

FILED JAN 30 2019 JUDICIAL DISTRICT COURT
 VERSUS Kimberly Matthews DOCKET NUMBER: 209-531 Div. D
 PARISH, LOUISIANA

In Forma Pauperis Affidavit

All questions must be answered in full.

Note: Questions 2 and 3 should not be filled in if you are seeking protection from abuse.

1. Your Full Name: Christopher T. Lewis

Social Security Number (Optional): _____

Date of Birth: _____

Age: 27

Sex: M

2. Address: 2141 Country Club Rd, Lot 5, Lake Charles, LA 70605
 (Box Number or Street Address) (City and State) (Zip Code)
 (See Note above)

3. Telephone Number(s): (HOME) _____ (Cell) (337) 802-2489
 (See Note above) (WORK)

4. Are you a Student? ☐ YES ☒ NO If yes, please indicate the name of the school you are attending: _____ Enrollment Status: _____

5. Current Household:

Single: ☒ Married: ☐ Separated: ☐ Divorced: ☐ Widowed: ☐ Intimate partner: ☐

How many children do you support who are under 18? No

How many children live with you? 0 Do you have any other dependents? _____

State the Name, Age and Relationship to you of the children and dependents:

NAME	AGE	RELATIONSHIP

6. What is your current Occupation? Disabled Are you employed? ☐ YES ☒ NO
 (If yes, please complete the following Employer Information)

Name of Employer: _____

Address: _____
 (Street Address) (City and State) (Zip Code)

Telephone Number: _____ How long have you been employed? _____

(If you are not employed, please provide information of your last employer)

Name of last employer: _____

Address: _____
 (Street Address) (City and State) (Zip Code)

How long have you been unemployed? 10 months

What were your monthly wages? \$1,250

7. Gross Income: (a) State your gross earned income from wages and how you are paid:
 Weekly? ☐ Bi-Weekly? ☒ Monthly? ☐ Amount/month \$ 625 x 2

(b) Apart from income or support listed in response to question 8(b) below, how much other income do you receive on a monthly basis? \$ _____

(c) Monthly Deductions: Federal Income Tax: \$ _____ FICA: \$ _____ \$ _____

(d) Other deductions: (explain) _____

TOTAL NET MONTHLY INCOME: (Add question 7 (a) + (b) less (c)) \$ Disabled

Case Number: 2019-00531
 Document Name: FILE PAUPER FACTS
 Filing Date: 01/30/2019 12:00 AM
 Page Count: 4



8(a). If you are married and live with a spouse, please answer:

Is your spouse employed? _____ What is the occupation of your spouse? N/A
 Is your spouse paid Weekly? ☐ Bi-Weekly? ☐ Monthly? ☐ Amount/month \$ _____
 Name of spouse's employer: _____
 Address: _____

(Street Address) (City and State) (Zip Code)
 Telephone Number: _____ How long has spouse been employed? _____

8(b). Do you or your spouse receive any of the following income or support? ☐ YES ☐ NO

If yes, state the monthly amount. SSI: \$ _____ Disability: \$ _____
 Worker's Comp: \$ _____ Unemployment Benefits: \$ _____
 Food Stamps: \$ _____ TANF: \$ _____ Child Support: \$ N/A
 Spousal Support: \$ _____ Kinship Care Subsidy Grant: \$ _____ Other: \$ _____

If you are a client of a legal services program funded by the Legal Service Corporation or a Pro Bono Project that receives referrals from a legal services program and have a combined income from questions 7 and 8 that is less than or equal to 125% of the federal poverty level, skip all parts of question 9, and continue with question 10 on the next page.

9. Do you own or have an interest in any of the following? (Including community property)

A.	VALUE OF INTEREST	BALANCE OWED
HOUSE	\$ <u>0</u>	\$ _____
AUTOMOBILE	\$ <u>0</u>	\$ _____
TRUCK	\$ <u>0</u>	\$ _____
WATERCRAFT	\$ <u>0</u>	\$ _____
LIVESTOCK	\$ <u>0</u>	\$ _____
MACHINERY	\$ <u>0</u>	\$ _____
STOCK	\$ <u>0</u>	\$ _____
BONDS	\$ <u>0</u>	\$ _____
CERTIFICATES OF DEPOSIT	\$ <u>0</u>	\$ _____
OTHER IMMOVABLE PROPERTY	Equity \$ <u>0</u>	Debt \$ _____

DO YOU HAVE A BANK ACCOUNT(S)? ☒ YES ☐ NO Amount in account(s): \$ 4.70
☐ CHECKING ☐ SAVINGS Name and Location of Bank: Walmart Prepaid Card/Luke Charles
 TOTAL VALUE OF ASSETS: \$ 0

B. i. List your Monthly Expenses:

Rent: \$	Cable: \$ <u>122.50</u>	Car Note: \$
Lot Rent: \$ <u>225</u>	Garbage: \$	Car Insurance: \$
House Note: \$	Medical Insurance: \$	Transportation: \$
House Insurance: \$	Medical Expenses: \$	Food: \$ <u>150</u>
Gas: \$ <u>70</u>	Dental Expenses: \$	Barber/ Beauty: \$
Electricity: \$ <u>129.83</u>	Prescriptions: \$	Entertainment: \$
Water: \$	Life Insurance: \$	Grooming Supplies: \$
Telephone: \$ <u>128.00</u>	Daycare: \$	Garnishment: \$
Property Taxes: \$	Child Support: \$	Other: \$

Total Amount of section i: \$ 702.00

ii. Credit cards: (List type of card and monthly payment)

Card Name	Monthly Payment
<u>(Crossed out)</u>	\$ _____
	\$ _____
	\$ _____
	\$ _____

Total Amount of section ii: \$ _____

iii. Financial Loans: (List the financial institution and your monthly payment)

Financial Name	Monthly Payment
<u>(Crossed out)</u>	\$ _____
	\$ _____
	\$ _____

Total Amount of section iii: \$ _____

TOTAL MONTHLY EXPENSES: (Add 9B (i+ii+iii) = Total Monthly Expenses) \$ _____

10. Does anyone regularly help you pay your expenses? ☒ YES ☐ NO
 (a) If yes, state that person's name and relationship to you.
 Name: Rosalina A. Dalal Relationship: Mother
 (b) Do you have any additional income or assets that are not shown above? ☐ YES ☐ NO
 If you answered yes to either (a) or (b), please explain:
I share my expenses with my mother Rosalina Dalal who is also disabled. I have been paying most of my expenses through loans.
11. If you have an attorney, what arrangements have you made to pay your attorney's fee? What amount, if any, have you paid? (You are required to answer fully.)
Contingent Fee
12. Has your attorney or the Notary Public told you that you may go to jail if you intentionally give a false answer to any of the above questions? ☒ YES ☐ NO

MOVER'S AFFIDAVIT

STATE OF LOUISIANA
 PARISH OF Calcasieu

BEFORE ME the undersigned authority personally came and appeared:

Rosalina Dalal

who, after being duly sworn, deposed and said:

1. He/She provided the information above; that the information is furnished to the court for the purpose of requesting permission to litigate the above captioned lawsuit without paying the costs in advance or as they accrue or furnishing security therefor.
2. That the above information is a true and correct statement of his/her financial condition.
3. That the pleading and all allegations of fact therein are true and correct; and that because of his/her poverty and want of means, he/she is unable to pay the costs of court in advance or as they accrue, nor is he/she able to provide security therefor.
4. He/She has read and understands the privilege contained in the notice below.

NOTICE

Although you may be granted the privilege of proceeding without prepayment of costs, **SHOULD JUDGMENT BE RENDERED AGAINST YOU, YOUR STATUS AS A PAUPER DOES NOT RELIEVE YOU OF THE OBLIGATION TO PAY THESE COSTS.**

The privilege to proceed *IN FORMA PAUPERIS* is restricted to litigants who are clearly entitled to do so, with due regard to the nature of the proceeding, the court costs which otherwise would have to be paid, and the ability of the litigant to pay them or to furnish security therefor, so that the indiscriminate filing of lawsuits may be discouraged, without depriving a litigant of the benefit of proceeding *in forma pauperis* if he/she is entitled to do so.

Christina J. Fries
 Mover's Signature

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public in Calcasieu Louisiana, this 17 day of July, 2019.

[Signature]
 NOTARY PUBLIC



THIRD PARTY AFFIDAVIT

STATE OF LOUISIANA
PARISH OF Cadiz

BEFORE ME, personally came and appeared: Reynolds Adair
who, after being sworn, deposed and said that he/she knows Christopher Lewis
well and that he/she knows that because of his/her poverty and want of means, he/she is unable
to pay the costs of court in advance or as they accrue, nor is he/she able to provide bond therefor.

[Signature]
Signature of Witness

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public in Lake Charles
Louisiana, this 17 day of Jan, 2009

[Signature]
NOTARY PUBLIC



LEGAL SERVICE PROGRAMS' DECLARATION

I ATTEST that I am a duly authorized representative of a Legal Services Program funded
by the Legal Service Corporation or a Pro Bono Project that receives referrals from one of these
Legal Service Programs, and that _____ has produced evidence
that he/she receives public assistance benefits, or that he/she has qualified to receive free legal
services based on his/her income being less than or equal to 125% of the federal poverty level
and therefore is entitled to a rebuttable presumption that he/she is entitled to the privilege of
litigating without prior payment of costs.

Legal Services Program or Pro Bono Project Representative

ORDER

Considering the foregoing Pleading and Affidavits:
let Christopher T. Lewis prosecute or defend this litigation in accordance with
Louisiana Code of Civil Procedure, Article 5181, et. seq., without paying the costs in advance or
as they accrue or furnishing security therefor.

THUS, READ AND SIGNED, this 30th day of January, 2009, in
Lake Charles, Louisiana.

[Signature]
DISTRICT JUDGE
Sharon Darville Williams

JAN 30 2019 * JUDICIAL DISTRICT COURT
 VERSUS Kandi Mathias * DOCKET NUMBER 2019-531 Div. D
 PARISH, LOUISIANA

In Forma Pauperis Affidavit

All questions must be answered in full.

Note: Questions 2 and 3 should not be filled in if you are seeking protection from abuse.

1. Your Full Name: Rosalina A. Dalal

Social Security Number (Optional):

Date of Birth:

Age: 58

Sex: F

2. Address: 2141 Courtyard Club Rd, Lot 5, Lake Charles, LA 70605
 (Box Number or Street Address) (City and State) (Zip Code)
 (See Note above)

3. Telephone Number(s): (HOME) (337) 602-2841 ^{Cell} (WORK) (337) 802-4528
 (See Note above)

4. Are you a Student? ☐ YES ☒ NO If yes, please indicate the name of the school you are attending: Enrollment Status:

5. Current Household:

Single: ☐ Married: ☐ Separated: ☒ Divorced: ☐ Widowed: ☐ Intimate partner: ☐

How many children do you support who are under 18? 0

How many children live with you? 1 Do you have any other dependents? 0

State the Name, Age and Relationship to you of the children and dependents:

NAME	AGE	RELATIONSHIP
<u>Christopher T. Lewis</u>	<u>27</u>	<u>Son</u>

What is your current Occupation? Disable Are you employed? ☐ YES ☒ NO
 (If yes, please complete the following Employer Information)

Name of Employer:

Address:

(Street Address)

(City and State)

(Zip Code)

Telephone Number:

How long have you been employed?

(If you are not employed, please provide information of your last employer)

Name of last employer:

Address:

(Street Address)

(City and State)

(Zip Code)

How long have you been unemployed? 16 years

What were your monthly wages? \$2,100

Gross Income: (a) State your gross earned income from wages and how you are paid:

Weekly: ☒ Bi-Weekly: ☐ Monthly: ☐

Amount/month: \$2,100

(b) Apart from income or support listed in response to question 8(b) below, how much other income do you receive on a monthly basis? \$ 0

(c) Monthly Deductions: Federal Income Tax: \$ FICA: \$ \$

(d) Other deductions: (explain)

TOTAL NET MONTHLY INCOME: (Add question 7 (a) + (b) less (c)) \$ 0

8(a). If you are married and live with a spouse, please answer:

Is your spouse employed? No What is the occupation of your spouse? N/A
 Is your spouse paid Weekly? ☐ Bi-Weekly? ☐ Monthly? ☐ Amount/month \$ _____
 Name of spouse's employer: _____
 Address: _____

(Street Address) (City and State) (Zip Code)
 Telephone Number: _____ How long has spouse been employed? _____

8(b). Do you or your spouse receive any of the following income or support? ☐ YES ☐ NO

If yes, state the monthly amount. SSI: \$ 170.00 Disability: \$ _____
 Worker's Comp: \$ _____ Unemployment Benefits: \$ _____
 Food Stamps: \$ _____ TANF: \$ _____ Child Support: \$ _____
 Spousal Support: \$ _____ Kinship Care Subsidy Grant: \$ _____ Other: \$ _____

If you are a client of a legal services program funded by the Legal Service Corporation or a Pro Bono Project that receives referrals from a legal services program and have a combined income from questions 7 and 8 that is less than or equal to 125% of the federal poverty level, skip all parts of question 9, and continue with question 10 on the next page.

9. Do you own or have an interest in any of the following? (Including community property)

A.	VALUE OF INTEREST	BALANCE OWED
HOUSE	\$	\$
AUTOMOBILE	\$ <u>Approximately 15,000</u>	\$ <u>Approximately 15,000</u>
TRUCK	\$	\$ <u>Capital One Finance Bank</u>
WATERCRAFT	\$	\$
LIVESTOCK	\$	\$
MACHINERY	\$	\$
STOCK	\$	
BONDS	\$	
CERTIFICATES OF DEPOSIT	\$	
OTHER IMMOVABLE PROPERTY	Equity \$	Debt \$

DO YOU HAVE A BANK ACCOUNT(S)? ☒ YES ☐ NO Amount in account(s): \$ 100.00

☒ CHECKING ☐ SAVINGS Name and Location of Bank: Regions Bank, Lafayette, La

TOTAL VALUE OF ASSETS: \$ 2

B. i. List your Monthly Expenses: Most expenses shared with my son.

Rent: \$	Cable: \$	Car Note: \$ <u>473.00</u>
Lot Rent: \$	Garbage: \$	Car Insurance: \$ <u>183.00</u>
House Note: \$	Medical Insurance: \$	Transportation: \$
House Insurance: \$	Medical Expenses: \$	Food: \$ <u>200.00</u>
Gas: \$	Dental Expenses: \$	Barber/ Beauty: \$ <u>30.00</u>
Electricity: \$	Prescriptions: \$	Entertainment: \$ <u>10.00</u>
Water: \$	Life Insurance: \$	Grooming Supplies: \$
Telephone: \$	Daycare: \$	Garnishment: \$
Property Taxes: \$	Child Support: \$	Other: \$

Total Amount of section i: \$ 896.00

ii. Credit cards: (List type of card and monthly payment)

Card Name	Monthly Payment
	\$
	\$
	\$
	\$

Total Amount of section ii: \$ _____

iii. Financial Loans: (List the financial institution and your monthly payment)

Financial Name	Monthly Payment

Total Amount of section iii: \$ _____

TOTAL MONTHLY EXPENSES: (Add 9B (i+ii+iii) =Total Monthly Expenses) \$ _____

10. Does anyone regularly help you pay your expenses? ☒ YES ☐ NO
 (a) If yes, state that person's name and relationship to you.
 Name: Christopher T. Lewis Relationship: Son
 (b). Do you have any additional income or assets that are not shown above? ☐ YES ☒ NO
 If you answered yes to either (a) or (b), please explain:

11. If you have an attorney, what arrangements have you made to pay your attorney's fee?
 What amount, if any, have you paid? (You are required to answer fully.)
Contingent fee

12. Has your attorney or the Notary Public told you that you may go to jail if you intentionally give a false answer to any of the above questions? ☒ YES ☐ NO

MOVER'S AFFIDAVIT

STATE OF LOUISIANA
 PARISH OF Cadiz

BEFORE ME the undersigned authority personally came and appeared:

Rosalma Dalal
 who, after being duly sworn, deposed and said:

1. He/She provided the information above; that the information is furnished to the court for the purpose of requesting permission to litigate the above captioned lawsuit without paying the costs in advance or as they accrue or furnishing security therefor.
2. That the above information is a true and correct statement of his/her financial condition.
3. That the pleading and all allegations of fact therein are true and correct; and that because of his/her poverty and want of means, he/she is unable to pay the costs of court in advance or as they accrue, nor is he/she able to provide security therefor.
4. He/She has read and understands the privilege contained in the notice below.

NOTICE

Although you may be granted the privilege of proceeding without prepayment of costs, **SHOULD JUDGMENT BE RENDERED AGAINST YOU, YOUR STATUS AS A PAUPER DOES NOT RELIEVE YOU OF THE OBLIGATION TO PAY THESE COSTS.**

The privilege to proceed *IN FORMA PAUPERIS* is restricted to litigants who are clearly entitled to do so, with due regard to the nature of the proceeding, the court costs which otherwise would have to be paid, and the ability of the litigant to pay them or to furnish security therefor, so that the indiscriminate filing of lawsuits may be discouraged, without depriving a litigant of the benefit of proceeding *in forma pauperis* if he/she is entitled to do so.

[Signature]
 Mover's Signature

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public in Lake Charles
 Louisiana, this 17 day of June, 2009.

[Signature]
 NOTARY PUBLIC



THIRD PARTY AFFIDAVIT

STATE OF LOUISIANA
PARISH OF Cadiz

BEFORE ME, personally came and appeared: Christine Linn
Resolving Dufur
who, after being sworn, deposed and said that he/she knows Resolving Dufur
well and that he/she knows that because of his/her poverty and want of means, he/she is unable
to pay the costs of court in advance or as they accrue, nor is he/she able to provide bond therefor.

Christine Linn
Signature of Witness

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public in Lake Charles
Louisiana, this 17 day of Jan, 2019.

[Signature]
NOTARY PUBLIC



LEGAL SERVICE PROGRAMS' DECLARATION

I ATTEST that I am a duly authorized representative of a Legal Services Program funded
by the Legal Service Corporation or a Pro Bono Project that receives referrals from one of these
Legal Service Programs, and that _____ has produced evidence
that he/she receives public assistance benefits, or that he/she has qualified to receive free legal
services based on his/her income being less than or equal to 125% of the federal poverty level
and therefore is entitled to a rebuttable presumption that he/she is entitled to the privilege of
litigating without prior payment of costs.

Legal Services Program or Pro Bono Project Representative

ORDER

Considering the foregoing Pleading and Affidavits:
let Resolving Dufur prosecute or defend this litigation in accordance with
Louisiana Code of Civil Procedure, Article 5181, et. seq., without paying the costs in advance or
as they accrue or furnishing security therefor.

THUS, READ AND SIGNED, this 30th day of January, 2019, in
Lake Charles, Louisiana.

[Signature]
DISTRICT JUDGE
Sharon Darville Wilson

ROSALINA AYUYU DALAL AND CHRISTOPHER T. LEWIS : 14TH JUDICIAL DISTRICT COURT

VS. NO. 2019-531 D : PARISH OF CALCASIEU

UNITED SPECIALTY INSURANCE COMPANY, ROSE LAND DEVELOPMENT, L.L.C. and WILLIAM J. PORTER, II : STATE OF LOUISIANA

FILED: JAN 30 2019 : Kandi Matthews
DEPUTY CLERK OF COURT

PETITION FOR DAMAGES 1 conf

SCANNED
FEB -7 2019

Paper
pl
12

The petition of ROSALINA AYUYU DALAL and CHRISTOPHER T. LEWIS, persons of the full age of majority, domiciled and residing in the Parish of Calcasieu, State of Louisiana, with respect represents that: the below allegations are made upon information and belief (unless the context indicates otherwise), are set out in the following non-exclusive particulars which, if inconsistent, are pled in the alternative, and petitioners do hereby plead the doctrine of strict liability, res ipsa loquitur, negligence, last clear chance, and all other theories of recovery as appropriate under the circumstances, including any aggravation of a pre-existing condition:

I.

Made defendant herein is UNITED SPECIALTY INSURANCE COMPANY, a corporation, limited liability company and/or other legal entity, authorized to do and doing business in the State of Louisiana, which may be served through the Louisiana Secretary of State, 8585 Archives Blvd., Baton Rouge, Louisiana 70809.

II.

Made defendant herein is ROSE LAND DEVELOPMENT, L.L.C., a corporation, duly authorized to and doing business in the State of Louisiana, which may be served via Long Arm Statute through its registered agent for the service of legal process, Robert M. Logan, 205 E. Church Street, Newton, MS 39345.

III.

Made defendant herein is WILLIAM J. PORTER, II, a person of the full age of majority, domiciled and residing in the City of Hickory, in the State of Mississippi, who may be served via Long Arm Statute at 3201 Albo Stamper Road, Conehatta, MS 39057.

IV.



Filing Date: 01/30/2019 12:00 AM Page Count: 6
Case Number: 2019-003531
Document Name: PETITION

PROCESSED
Date: 2-6-19

This is a civil action to recover all damages sustained by your petitioners for personal injuries and other losses and damages against the above named defendants, UNITED SPECIALTY INSURANCE COMPANY, ROSE LAND DEVELOPMENT, L.L.C. and WILLIAM J. PORTER, II (sometimes hereinafter referred to collectively as "defendants"), each of whom are liable jointly, severally and *in solido* unto your petitioners in a sum of damages as is reasonable in the premises, together with legal interest thereon from and after the date of judicial demand, until paid, for all costs of these proceedings, and for all general and equitable relief, for the following, to-wit:

V.

On or about February 28, 2018, petitioner Rosalina Ayuyu Dalal was driving her 2016 Kia Forte northbound on Nelson Road in the City of Lake Charles, Louisiana. Petitioner Christopher T. Lewis was guest passenger in Ms. Dalal's car. As a result of traffic congestion, Ms. Dalal was required to, and did, bring her car safely to a complete stop. Eugene Bargeman was driving a 2018 Nissan Murano behind the Ms. Dalal. After Ms. Dalal came to a complete stop, Mr. Bargemen similarly brought his vehicle safely to a complete stop. Defendant, William J. Porter, II was operating a 2000 Peterbilt 379 truck hauling a 2018 FO trailer behind Mr. Bargemen. Although Mr. Bargeman slowed and brought his vehicle safely to a complete stop, Mr. Porter did not slow appropriately and did not stop. Instead, William J. Porter, II rammed his Peterbilt truck into the rear of the stopped Bargeman vehicle causing the Bargeman vehicle to be propelled into the rear of the Ms. Dalal's vehicle. As a result this collision, petitioners, Rosalina Ayuyu Dalal and Christopher T. Lewis, suffered personal injuries and other damages.

VI.

At the time of the collision identified in paragraph V. above, defendant William J. Porter, II, was operating the 2000 Peterbilt 379 truck with the knowledge, consent and permission of, and in the course and scope of his employment with, defendant, Rose Land Development, L.L.C. Rose Land Development, L.L.C. is vicariously responsible for the negligence of defendant, William J. Porter, II, under the Louisiana Civil Code and the legal doctrine of *respondeat superior*.

VII.

At all material times herein, there existed a contract and/or contracts of insurance between William J. Porter, II and United Specialty Insurance Company and/or a contract and/or contracts of insurance between Rose Land Development, L.L.C. and United Specialty Insurance Company

and/or another contract or contracts, the provisions of which make defendant, United Specialty Insurance Company liable for damages, losses, injuries and expenses suffered by the Rosalina Ayuyu Dalal and Christopher T. Lewis and made the basis of this lawsuit.

VIII.

The sole and proximate cause of the rear end collision made the basis of this suit was the individual and/or joint and/or concurrent negligence and/or fault and/or want of care and/or strict liability of defendants, William J. Porter, II. Defendant's negligence, fault, want of care and strict liability are imputed to defendant's employer, and Rose Land Development, L.L.C., and to the insurance carrier, United Specialty Insurance Company. Defendant's tortious conduct consists of one or more of the following acts and/or omissions which are illustrative and not exclusive and which, if inconsistent, are pled in the alternative:

- a. He rear ended a vehicle ahead.
- b. He failed to pay attention to traffic ahead and/or keep a good and proper lookout;
- c. He failed maintain control over his truck;
- d. He was following too closely;
- e. He was driving in a careless manner;
- f. He failed to slow and/or apply his brakes in time;
- g. He was traveling too fast under the circumstances;
- h. He failed to see what he should have seen or do what he should have done;
- i. He failed to act like a reasonably prudent person under the circumstances;
- j. He failed to avoid an automobile collision;
- k. Any and all other acts and/or omissions constituting negligence and/or fault and/or want of care and/or strict liability which are proven at the time of trial.

All of which said acts and omissions are in direct violation of the traffic laws and ordinances of the City of Lake Charles, the Parish of Calcasieu and the State of Louisiana, which said laws, ordinances and statutes are pled herein as if copied *in extenso*.

XI.

Petitioner, Rosalina Ayuyu Dalal, alleges that the full extent of her injuries are unknown at this time and that as a result of the above described collision and defendants' negligence and/or fault and/or want of care and/or strict liability, Rosalina Ayuyu Dalal suffered, is suffering and will

continue to suffer from pain in her head, neck and back and other parts of her mind and body, all of which injuries have necessitated petitioner to undergo medical treatment. Furthermore, by reason of the said injuries, Rosalina Ayuyu Dalal suffered and will continue to suffer physical and mental pain and anguish and has incurred and will continue to incur expenses and bills for medical attention including, but not limited to hospital bill, medical clinic bills, physician bills, fees for diagnostic testing, expenses for transportation to and from physicians' offices and other medical facilities, and other medical and medically related expenses. Petitioner has also suffered and will continue to suffer a loss of earning capacity, a loss of the ability to be gainfully employed, disability, a loss of the capacity to enjoy life and past, present and future mental and psychological pain and anguish. Petitioner is entitled to recover a sum of damages as is just and reasonable in the premises.

X.

Petitioner, Christopher T. Lewis, alleges that the full extent of his injuries are unknown at this time, and, that as a result of the above described collision and defendant's negligence and/or fault and/or want of care and/or strict liability, petitioner suffered, is suffering and will continue to suffer from pain in his head, cervical, lumbar, left hip and right foot and other parts of his mind and body, all of which injuries have necessitated petitioner to undergo medical treatment. Furthermore, by reason of the said injuries, Christopher T. Lewis has suffered and will continue to suffer physical and mental pain and anguish and has incurred and will continue to incur expenses and bills for medical attention including, but not limited to hospital charges, surgery expenses, medical clinic bills, physician bills, fees for diagnostic testing, expenses for transportation to and from physicians' offices and medical facilities and other medical and medically related expenses. Petitioner has also suffered a loss of earning capacity, a loss of the ability to be gainfully employed, disability, a loss of the capacity to enjoy life and past, present and future mental and psychological pain and anguish. Petitioner is entitled to recover a sum of damages as is just and reasonable in the premises.

XI.

In addition to her the general and special damages associated with her personal injuries, Rosalina Ayuyu Dalal also incurred property damages to her 2016 Kia Forte. These damages include the costs and expenses associated with repairing the collision damages or the total retail value of 2016 Kia Forte along with sales tax, license and title, interest petitioner paid on the

financing from the collision to date; a loss of use and depreciation of the said vehicle, travel and other expenses; and, such other collision damages as are just and proper.

XII.

Petitioners allege upon information and belief that it will be necessary to present expert testimony during the preparation for and during the trial on the merits of this case and as such, desire that all such expert witness fees and deposition costs be taxed as court costs and assessed against the said defendants.

XIII.

At this time, it appears that the amount in dispute in each of the petitioners' claims entitles each petitioner to a jury trial. Petitioners reserve their right to amend this petition as required.

XIV.

Due to petitioner's poor financial condition and want of means, petitioner Rosalina Ayuyu Dalal is unable to pay the costs of this suit in advance, as the costs accrue or to furnish security therefore; accordingly, petitioners desire and are entitled to prosecute this matter *in forma pauperis*.

XV.

Due to petitioner's poor financial condition and want of means, petitioner Christopher T. Lewis is unable to pay the costs of this suit in advance, as the costs accrue or to furnish security therefore; accordingly, petitioners desire and are entitled to prosecute this matter *in forma pauperis*.

WHEREFORE, petitioners, Rosalina Ayuyu Dalal and Christopher T. Lewis, pray that:

1) Defendants United Specialty Insurance Company, Rose Land Development, L.L.C. and William J. Porter, II be duly served with a copy of this Petition for Damages and cited to appear herein and answer same;

2) After the lapse of all legal delays and due proceedings had, there be judgment herein in favor of petitioners Rosalina Ayuyu Dalal and Christopher T. Lewis against defendants United Specialty Insurance Company, Rose Land Development, L.L.C. and William J. Porter, II, jointly, severally and *in solido* in an amount of damages as is just and reasonable in the premises, together with legal interest from and after the date of judicial demand, until paid, and for all costs of these proceedings and for all expert witness fees;

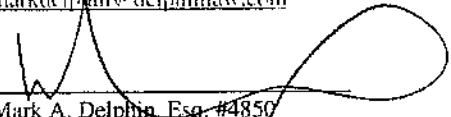
3) Petitioner Rosalina Ayuyu Dalal be allowed to prosecute this matter *in forma pauperis*;

- 4) Petitioner Christopher T. Lewis be allowed to prosecute this matter *in forma pauperis*; and
- 5) For all general and equitable relief.

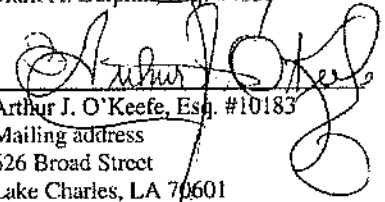
By their attorney,

DELPHIN LAW OFFICES,
A PROFESSIONAL LAW CORPORATION
626 Broad Street
Lake Charles, LA 70601
(337) 439-3939 -Telephone
(337) 439-4504 - Facsimile
mark@delphinlaw.com

BY:


Mark A. Delphin, Esq. #4850

And:


Arthur J. O'Keefe, Esq. #10183
Mailing address
626 Broad Street
Lake Charles, LA 70601
(337) 309-6122 - Telephone
(337) 439-4504 - Facsimile
Of Counsel to Delphin Law Offices

PLEASE SERVE:

UNITED SPECIALTY INSURANCE COMPANY

Through the Louisiana Secretary of State
8585 Archives Blvd.
Baton Rouge, Louisiana 70809

ROSE LAND DEVELOPMENT, L.L.C.

Via Long Arm Statute
through its registered agent for the service of legal process
Robert M. Logan
205 E. Church Street
Newton, MS 39345

WILLIAM J. PORTER

Via Long Arm Statute
3201 Albo Stamper Road
Conchatta, MS 39057

Calcasieu Parish Clerk of Court
PO Box 1030
Lake Charles, LA 70602



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

NEW CIVIL FILING

ROSALINA AYUYU DALAL

VS. 2019-000531

UNITED SPECIALTY INSURANCE COMPANY

Carole LeBlanc
Deputy Clerk of Court

CMS6334133

Filing Date: 02/05/2019 09:17 AM Page Count: 1
Case Number: 2019-000531
Document Name: New Suit

Notice of Service

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

TO: MARK A DELPHIN
*626 BROAD ST.
LAKE CHARLES, LA 70601-0000

Service issued to: UNITED SPECIALITY INSURANCE COMPANY

Date of Service: 02/11/2019

Number of Service: 1

Personal/Domiciliary: PERSONAL SERVICE

Pleading served: 1600 CITATION

Issued by the Clerk of Court on the 19th day of February 2019.

Katie Lovett

Katie Lovett
Deputy Clerk

CMS6351599

Filing Date: 02/06/2019 12:00 AM
Case Number: 2019-000531
Document Name: Notice of Service

Page Count: 1

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVE
BATON ROUGE, LA 70809

FILED FEB 19 2019
Katie Lorett
Clerk of Court
Calcasieu Parish, Louisiana

Parish of East Baton Rouge, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL, AND ET AL (PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in said Parish, within fifteen (15) days after the service hereof, under penalty of default.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 30th day of January 2019.

Issued and delivered February 6, 2019

Emilie McPherson
Emilie McPherson
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ 39.36

Party No. P001

I made service on the named party through the
Office of the Secretary of State on

FEB 11 2019
by tendering a copy of this document to
KATHY DARDEN
SHERIFF #1155
Clerk of Court of East Baton Rouge, Louisiana

RECEIVED

FEB 08 2019

SCANNED

FEB 20 2019



CMS 6337089
Filing Date: 02/06/2019 04:10 PM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



Citation
14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVE
BATON ROUGE, LA 70809

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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6337089

Filing Date: 02/06/2019 04:10 PM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVE
BATON ROUGE, LA 70809

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PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6337089

Filing Date: 02/06/2019 04:10 PM Page Count: 1
Case Number: 2019-000531
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ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVE
BATON ROUGE, LA 70809

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SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6337089

Filing Date: 02/06/2019 04:10 PM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



Citation
14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVE
BATON ROUGE, LA 70809

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PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6337089

Filing Date: 02/06/2019 04:10 PM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVE
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Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6337089

Filing Date: 02/06/2019 04:10 PM Page Count: 1
Case Number: 2019-000531
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ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



Citation
14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVE
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PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6337089

Filing Date: 02/06/2019 04:10 PM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSE LAND DEVELOPMENT LLC PURSUANT TO LOUISIANA
THROUGH ITS REGISTERED AGENT LONG-ARM STATUTE
FOR SERVICE: ROBERT M LOGAN
205 E CHURCH STREET
NEWTON, MS 39345

Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to
comply with the demand in the petition of ROSALINA AYUYU DALAL against you,
certified copy of which petition accompanies this citation, or file your answers thereto in
writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in
said Parish, within thirty (30) days after the service hereof, under penalty of default.

PETITION FOR DAMAGES

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 30TH day of
JANUARY 2019.

Issued and delivered February 6, 2019

Emilie McPherson
Deputy Clerk of Court

SERVICE INFORMATION

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by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6337100

Filing Date: 02/06/2019 04:12 PM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

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FOR SERVICE: ROBERT M LOGAN
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PETITION FOR DAMAGES

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JANUARY 2019.

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Emilie McPherson
Deputy Clerk of Court

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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6337100

Filing Date: 02/06/2019 04:12 PM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSE LAND DEVELOPMENT LLC PURSUANT TO LOUISIANA
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FOR SERVICE: ROBERT M LOGAN
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PETITION FOR DAMAGES

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PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6337100

Filing Date: 02/06/2019 04:12 PM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: WILLIAM J PORTER II
3201 ALBO STAMPER ROAD
CONEHATTA, MS 39057

PURSUANT TO LOUISIANA
LONG-ARM STATUTE

Defendant in said suit:

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PETITION FOR DAMAGES

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Issued and delivered February 6, 2019

Emilie McPherson
Deputy Clerk of Court

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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6337106

Issuing Date: 02/06/2019 04:13 PM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: WILLIAM J PORTER II
3201 ALBO STAMPER ROAD
CONEHATTA, MS 39057

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LONG-ARM STATUTE

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PETITION FOR DAMAGES

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Issued and delivered February 6, 2019

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SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6337106

Filing Date: 02/06/2019 04:13 PM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

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RETURNED:

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SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6337106

Filing Date: 02/06/2019 04:13 PM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

Volume Created 2/7/2019 10:08:13 AM

VOL

of

DIV D

No. 2019-000531

Fourteenth Judicial District Court **CALCASIEU PARISH, LA**

ROSALINA AYUYU DALAL E T A L

Plaintiff

VS.

UNITED SPECIALTY INSURANCE COMPANY E T A L

Defendant

MARK A DELPHIN

Attorney for Plaintiff

Attorney for Defendant

Date Filed: 01/30/2019

No. 2019-000531

Preliminary Default Entered:



H. LYNN JONES II
 Clerk of Court and Ex-Officio Recorder
 Fourteenth Judicial District of Louisiana
 Parish of Calcasieu - Lake Charles, Louisiana
 Ph. 337-437-3550 Fax 337-437-3350

2019-000531

2019-000531

The Calcasieu Parish Clerk of Court is the custodian of this record. As a courtesy we allow local attorneys to check out the records. If you have borrowed this record from our office; 14th JDC Local Rule 24 allows for a period of no more than 72 hours. Documents are also accessible through our website at www.calclerkofcourt.com.

2019-000531

No.

No.

2019-000531

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: WILLIAM J PORTER II
3201 ALBO STAMPER ROAD
CONEHATTA, MS 39057

PURSUANT TO LOUISIANA
LONG-ARM STATUTE

Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand in the petition of ROSALINA AYUYU DALAL against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in said Parish, within thirty (30) days after the service hereof, under penalty of default.

****PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES****

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 12TH day of MARCH, 2019.

Issued and delivered March 12, 2019

Byron Wilkinson
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371736

Filing Date: 03/12/2019 10:27 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

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PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371736

Filing Date: 03/12/2019 10:27 AM Page Count: 1
Case Number: 2019-000531
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ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: WILLIAM J PORTER II
3201 ALBO STAMPER ROAD
CONEHATTA, MS 39057

PURSUANT TO LOUISIANA
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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371736

Filing Date: 03/12/2019 10:27 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSE LAND DEVELOPMENT LLC PURSUANT TO LOUISIANA
THROUGH ITS REGISTERED AGENT LONG-ARM STATUTE
FOR SERVICE: ROBERT M LOGAN
205 E CHURCH STREET
NEWTON, MS 39345

Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to
comply with the demand in the petition of ROSALINA AYUYU DALAL against you,
certified copy of which petition accompanies this citation, or file your answers thereto in
writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in
said Parish, within thirty (30) days after the service hereof, under penalty of default.

****PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR
DAMAGES****

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 12TH day of
MARCH, 2019.

Issued and delivered March 12, 2019

Byron Wilkinson
Deputy Clerk of Court

SERVICE INFORMATION

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PERSONAL SERVICE on the party herein named _____

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years, living and residing in said domicile and whose name and other facts connected with this service, I learned
by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371745

Filing Date: 03/12/2019 10:30 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSE LAND DEVELOPMENT LLC PURSUANT TO LOUISIANA
THROUGH ITS REGISTERED AGENT LONG-ARM STATUTE
FOR SERVICE: ROBERT M LOGAN
205 E CHURCH STREET
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DAMAGES****

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MARCH, 2019.

Issued and delivered March 12, 2019

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20____, served the above named party as follows:

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years, living and residing in said domicile and whose name and other facts connected with this service, I learned
by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371745

Filing Date: 03/12/2019 10:30 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSE LAND DEVELOPMENT LLC PURSUANT TO LOUISIANA
THROUGH ITS REGISTERED AGENT LONG-ARM STATUTE
FOR SERVICE: ROBERT M LOGAN
205 E CHURCH STREET
NEWTON, MS 39345

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said Parish, within thirty (30) days after the service hereof, under penalty of default.

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MARCH, 2019.

Issued and delivered March 12, 2019

Byron Wilkinson
Deputy Clerk of Court

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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371745

Filing Date: 03/12/2019 10:30 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/10 Day



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVENUE
BATON ROUGE, LA 70809

Parish of East Baton Rouge, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL ET AL. (PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse in the City of Lake Charles, in said Parish, within ten (10) days after the service hereof, under penalty of default.

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Issued and delivered March 12, 2019

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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371808

Filing Date: 03/12/2019 10:42 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/10 Day

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/10 Day



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVE
BATON ROUGE, LA 70809

Parish of East Baton Rouge, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL ET AL. (PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse in the City of Lake Charles, in said Parish, within ten (10) days after the service hereof, under penalty of default.

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Issued and delivered March 12, 2019

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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371808

Filing Date: 03/12/2019 10:42 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/10 Day

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/10 Day



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVE
BATON ROUGE, LA 70809

Parish of East Baton Rouge, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL ET AL. (PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse in the City of Lake Charles, in said Parish, within ten (10) days after the service hereof, under penalty of default.

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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371808

Filing Date: 03/12/2019 10:42 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/10 Day

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



Citation
14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: TECHNOLOGY INSURANCE
COMPANY INC
THROUGH LOUISIANA
SECRETARY OF STATE
8585 ARCHIVES BLVD.
BATON ROUGE, LA 70809

Parish of East Baton Rouge, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL, ET AL (PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in said Parish, within fifteen (15) days after the service hereof, under penalty of default.

CERTIFIED COPY OF ORIGINAL PETITION FOR DAMAGES ALSO ATTACHED HERETO AND MADE A PART HEREOF.

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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____

Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371831

Filing Date: 03/12/2019 10:48 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: TECHNOLOGY INSURANCE
COMPANY INC
THROUGH LOUISIANA
SECRETARY OF STATE
8585 ARCHIVES BLVD
BATON ROUGE, LA 70809

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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371831

Filing Date: 03/12/2019 10:48 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: TECHNOLOGY INSURANCE
COMPANY INC
THROUGH LOUISIANA
SECRETARY OF STATE
8585 ARCHIVES BLVD
BATON ROUGE, LA 70809

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PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____

Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371831

Filing Date: 03/12/2019 10:48 AM Page Count: 1
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ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



Citation
14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: EUGENE V BARGEMAN
2017 9TH STREET
LAKE CHARLES, LA 70601

Parish of Calcasieu, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL, ET AL (PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in said Parish, within fifteen (15) days after the service hereof, under penalty of default.

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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371849

Filing Date: 03/12/2019 10:51 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



Citation
14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: EUGENE V BARGEMAN
2017 9TH STREET
LAKE CHARLES, LA 70601

Parish of Calcasieu, Louisiana, Defendant in said suit:

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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371849

Filing Date: 03/12/2019 10:51 AM Page Count: 1
Case Number: 2019 000531
Document Name: Citation

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



Citation
14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: EUGENE V BARGEMAN
2017 9TH STREET
LAKE CHARLES, LA 70601

Parish of Calcasieu, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL, ET AL (PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in said Parish, within fifteen (15) days after the service hereof, under penalty of default.

CERTIFIED COPY OF ORIGINAL PETITION FOR DAMAGES ALSO ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 12th day of March 2019.

Issued and delivered March 12, 2019

Byron Wilkinson
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371849

Filing Date: 03/12/2019 10:51 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Notice of Service



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

TO: MARK A DELPHIN
*626 BROAD ST.
LAKE CHARLES, LA 70601-0000

Service issued to: EUGENE V BARGEMAN

Date of Service: 03/25/2019

Number of Service: 1

Personal/Domiciliary: PERSONAL SERVICE

Pleading served: 1600 CITATION

Issued by the Clerk of Court on the 27th day of March 2019.

Brianna Arabie

Brianna Arabie
Deputy Clerk

CMS6392334

Filing Date: 03/12/2019 12:00 AM
Case Number: 2019-000531
Document Name: Notice of Service

Page Count: 1

Page 1 of 1

Notice of Service

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

TO: MARK A DELPHIN
*626 BROAD ST.
LAKE CHARLES, LA 70601-0000

Service issued to: EUGENE V BARGEMAN

Date of Service: 03/25/2019

Number of Service: 1

Personal/Domiciliary: PERSONAL SERVICE

Pleading served: 1600 CITATION

Issued by the Clerk of Court on the 27th day of March 2019.

Brianna Arabie

Brianna Arabie
Deputy Clerk

CMS6392334

Filing Date: 03/12/2019 12:00 AM
Case Number: 2019-000531
Document Name: Notice of Service

Page Count: 1

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

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MAR 27 2019

THE STATE OF LOUISIANA

TO: EUGENE V BARGEMAN
2017 9TH STREET
LAKE CHARLES, LA 70601

FILED
Katie Lorett
Deputy Clerk of Court
Calcasieu Parish, Louisiana

Parish of Calcasieu, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL, ET AL (PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in said Parish, within fifteen (15) days after the service hereof, under penalty of default.

CERTIFIED COPY OF ORIGINAL PETITION FOR DAMAGES ALSO ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 12th day of March 2019.

Issued and delivered March 12, 2019

Byron Wilkinson
Byron Wilkinson
Deputy Clerk of Court

SERVICE INFORMATION

Received on the 13th day of 3, 2019, and on the 25th day of 3, 2019, served the above named party as follows:

PERSONAL SERVICE on the party herein named EUGENE BARGEMAN

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED: CALCASIEU this 25th day of 3, 2019

SERVICE \$ _____

BY: *[Signature]* 1535
Deputy Sheriff

MILEAGE \$ 6

TOTAL \$ 33.18

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SCANNED
MAR 29 2019



CMS6371849
Filing Date: 03/12/2019 10:51 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

Notice of Service

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

TO: MARK A DELPHIN
*626 BROAD ST.
LAKE CHARLES, LA 70601-0000

Service issued to: UNITED SPECIALTY INS CO

Date of Service: 03/15/2019

Number of Service: 1

Personal/Domiciliary: PERSONAL SERVICE

Pleading served: 1601 CITATION/ 10 DAY
PLAINTIFF'S FRIST AMENDING AND SUPPLEMENTAL
PETITON FOR DAMGES FILED 3/12/19

Issued by the Clerk of Court on the 26th day of March 2019.

Joseph Frazier
Deputy Clerk

CMS6390509

Filing Date: 03/12/2019 12:00 AM
Case Number: 2019-000531
Document Name: Notice of Service

Page Count: 1

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/10 Day



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

Pauper

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVE
BATON ROUGE, LA 70809

FILED MAR 26 2019
Joseph L. Trojer
Deputy Clerk of Court
Calcasieu Parish, Louisiana

Parish of East Baton Rouge, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL ET AL (PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse in the City of Lake Charles, in said Parish, within ten (10) days after the service hereof, under penalty of default.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 12TH day of MARCH 2019.

Issued and delivered March 12, 2019

Byron Wilkinson
Byron Wilkinson
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

MILEAGE \$ _____

TOTAL \$ 39.36

Party No. P001

BY: _____

Deputy Sheriff
I made service on the named party through the
Office of the Secretary of State on

MAR 15 2019
by tendering 2 copy of this document to
KATHY DARDEN
DY. E. CUMMINS #1155
Deputy Sheriff, Parish of East Baton Rouge, Louisiana
MAR 14 2019

EBR SHERIFF'S OFFICE

SCANNED
MAR 28 2019



C M S 6 3 7 1 8 0 8
Filing Date: 03/12/2019 10:42 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/10 Day

Notice of Service

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

TO: MARK A DELPHIN
*626 BROAD ST.
LAKE CHARLES, LA 70601-0000

Service issued to: TECHNOLOGY INSURANCE CO INC

Date of Service: 03/15/2019

Number of Service: 1

Personal/Domiciliary: PERSONAL SERVICE

Pleading served: 1600 CITATION
PLAINTIFF'S FIRST AMENDING AND SUPPLEMENTAL
PETITION FOR DAMAGES FILED 3/12/19

Issued by the Clerk of Court on the 26th day of March 2019.

Joseph Frazier
Deputy Clerk

CMS6390504

Filing Date: 03/12/2019 12:00 AM
Case Number: 2019-000531
Document Name: Notice of Service

Page Count: 1

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

Pauper

THE STATE OF LOUISIANA

TO: TECHNOLOGY INSURANCE
COMPANY INC
THROUGH LOUISIANA
SECRETARY OF STATE
8585 ARCHIVES BLVD
BATON ROUGE, LA 70809

FILED MAR 26 2019
Joseph L. Trojer
Deputy Clerk of Court
Calcasieu Parish, Louisiana

Parish of East Baton Rouge, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL, ET AL (PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in said Parish, within fifteen (15) days after the service hereof, under penalty of default.

CERTIFIED COPY OF ORIGINAL PETITION FOR DAMAGES ALSO ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 12th day of March 2019.

Issued and delivered March 12, 2019

Byron Wilkinson
Byron Wilkinson
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____

MILEAGE \$ _____

Deputy Sheriff I made service on the named party through the

TOTAL \$ 39.36

Office of the Secretary of State on

Party No. P001

MAR 15 2019

by tendering a copy of this document to

KATHY DARDEN

RECEIVED

DY. E. CUMMINS #1155

MAR 14 2019

Deputy Sheriff, Parish of East Baton Rouge, Louisiana

EBR SHERIFF'S OFFICE

SCANNED
MAR 28 2019



CMS6371831
Filing Date: 03/12/2019 10:48 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL AND
CHRISTOPHER T. LEWIS

: 14TH JUDICIAL DISTRICT COURT

VS. NO. 2019-531 "D"

: PARISH OF CALCASIEU

UNITED SPECIALTY
INSURANCE COMPANY,
ROSE LAND DEVELOPMENT,
L.L.C. and WILLIAM J. PORTER, II

: STATE OF LOUISIANA

FILED: MAR 12 2019

: Sarah Hollier
DEPUTY CLERK OF COURT

Handwritten signature

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**PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL
PETITION FOR DAMAGES**

The First Amending and Supplemental Petition for Damages of plaintiffs, Rosalina Ayuyu Dalal and Christopher T. Lewis, with respect represents that:

I.

Plaintiffs amend and supplement their original petition by adding Paragraph III(a) to read as follows:

"III(a).

Made defendant herein is Technology Insurance Company, Inc., a corporation, limited liability company and/or other legal entity, authorized to do and doing business in the State of Louisiana, which may be served through the Louisiana Secretary of State, 8585 Archives Blvd., Baton Rouge, Louisiana 70809."

II.

Plaintiffs amend and supplement their original petition by adding Paragraph III(b) to read as follows:

"III(b)

Made defendant herein is Eugene V. Bargeman, a person of the full age of majority, domiciled and residing in the City of Lake Charles, State of Louisiana, who may be served at 2017 9th Street, Lake Charles, Louisiana 70601."

III.

Plaintiffs amend Paragraph IV. of plaintiffs' original Petition for Damages to read as follows:

SCANNED

MAR 13 2019



Filing Date: 03/12/2019 10:13 AM Page Count: 6
Case Number: 2019-000531
Document Name: SUPPLEMENTAL/AMENDING PETITION

“IV.

This is a civil action to recover all damages sustained by your petitioners for personal injuries and other losses and damages against the above named defendants, United Specialty Insurance Company, Rose Land Development, L.L.C., William J. Porter, II, Technology Insurance Company, Inc. and Eugene V. Bargeman, (sometimes hereinafter referred to collectively as "defendants"), each of whom are liable jointly, severally and *in solido* unto your petitioners in a sum of damages as is reasonable in the premises, together with legal interest thereon from and after the date of judicial demand, until paid, for all costs of these proceedings, and for all general and equitable relief, for the following, to-wit:”

IV.

Plaintiffs amend and supplement paragraph V of plaintiff’s original petition to read as follows:

“V.

On or about February 28, 2018, petitioner Rosalina Ayuyu Dalal was driving her 2016 Kia Forte northbound on Nelson Road in the City of Lake Charles, Louisiana. Petitioner, Christopher T. Lewis, was guest passenger in Ms. Dalal’s car. As a result of traffic congestion, Ms. Dalal was required to, and did, bring her car safely to a complete stop. Upon petitioners’ belief, Eugene V. Bargeman was driving a 2018 Nissan Murano behind Ms. Dalal. After Ms. Dalal came to a complete stop, it is believed that Mr. Bargeman similarly brought his vehicle to a complete stop. At the same time, Defendant, William J. Porter II, was driving behind Mr. Bargeman. Mr. Porter was operating a 2000 Peterbilt 379 truck hauling a 2018 FO trailer. Although Mr. Bargeman slowed his vehicle in preparation to bring his vehicle to a complete stop, Mr. Porter did not slow appropriately and did not stop. Instead, William J. Porter, II rammed his Peterbilt truck into the rear of the Bargeman vehicle causing the Bargeman vehicle to be propelled into the rear of the Ms. Dalal’s vehicle.

Upon petitioners’ belief that defendants, William J. Porter, II and/or Rose Land Development, L.L.C. and/or United Specialty Insurance Company, may have information different from and/or in addition to that possessed by plaintiffs such that defendants may allege fault against Mr. Eugene V. Bargeman in causing the February 28, 2018 collision. Plaintiffs therefore make the following alternative allegations: Mr. Bargeman was a joint and/or concurrent cause of the

February 28, 2018 collision and was negligent and/or at fault in that he was following too closely and/or he failed to give a proper signal to a following vehicle and/or he came to an abrupt stop.

As a result of this collision, plaintiffs, Rosalina Ayuyu Dalal and Christopher T. Lewis, suffered personal injuries and other damages.”

V.

Plaintiffs amend and supplement their original petition by adding Paragraph VII(a) to read as follows:

“VII(a).

At the time of the collision referred to in paragraph V of the Petition for Damages as amended, there existed a policy or policies of insurance which provided automobile liability insurance coverage for defendant Eugene V. Bargeman and/or the vehicle he was driving and this coverage was for the benefit of plaintiffs, Rosalina Ayuyu and Christopher T. Lewis. Additionally, and/or alternatively, there existed another policy or policies of insurance, the provisions of which make Technology Insurance Company, Inc. liable for damages, losses, injuries and expenses suffered by the plaintiffs and made the basis of this lawsuit.”

VI.

Plaintiffs amend and supplement Paragraph VIII of their original petition to read as follows:

“VIII.

The sole and proximate cause of the rear end collision made the basis of this suit was the individual and/or joint and/or concurrent negligence and/or fault and/or want of care and/or strict liability of defendants, William J. Porter, II and Eugene V. Bargeman. Mr. Porter’s negligence, fault, want of care and/or strict liability is imputed to Rose Land Development, L.L.C. and to the insurance carrier United Specialty Insurance Company. Mr. Bargeman’s negligence, fault, want of care and/or strict liability is imputed to the insurance carrier, Technology Insurance Company, Inc. Defendants’ tortuous conduct consists of one or more of the following acts and/or omissions which are illustrative and not exclusive and which, if inconsistent, are pled in the alternative:

A. With regard to William J. Porter, II:

1. He rear ended a vehicle ahead.
2. He failed to pay attention to traffic ahead and/or keep a good and proper lookout;
3. He failed maintain control over his vehicle;

4. He was following too closely;
5. He was driving in a careless manner;
6. He failed to see what he should have seen or do what he should have done;
7. He failed to act like a reasonably prudent person under the circumstances;
8. He failed to avoid an automobile collision;
9. Any and all other acts and/or omissions constituting negligence and/or fault and/or want of care and/or strict liability which are proven at the time of trial.

B. With regard to Eugene V. Bargeman:

1. He was following too closely;
2. He failed to give a proper signal to a following vehicle;
3. He came to an abrupt stop;
4. Any and all other acts and/or omissions constituting negligence and/or fault and/or want of care and/or strict liability which are proven at the time of trial.

All of which said acts and omissions are in direct violation of the traffic laws and ordinances of the City of Lake Charles, the Parish of Calcasieu and the State of Louisiana, which said laws, ordinances and statutes are pled herein as if copied *in extenso*."

VI.

Plaintiffs reiterate and re-aver all the allegations of plaintiffs' original Petition for Damages, not inconsistent with the purpose of the above and foregoing First Amended and Supplemental Petition for Damages, as it copied herein *in extenso*.

WHEREFORE, plaintiffs, Rosalina Ayuyu Dalal and Christopher T. Lewis, pray that:

- 1) This First Amending and Supplemental Petition for Damages be filed as prayed for and according to law;
- 2) All of the allegations of plaintiffs' original Petition for Damages, not inconsistent with the purpose of the above and foregoing First Amended and Supplemental Petition for Damages, be reiterated and re-averred as if copied herein *in extenso*;
- 3) Defendants, United Specialty Insurance Company, Rose Land Development, L.L.C. and William J. Porter, II be duly served with a copy of this First Amending and Supplemental Petition for Damages and cited to appear herein and answer same;

4) Defendants, Technology Insurance Company, Inc. and Eugene V. Bargeman be duly served with a copy of the original Petition for Damages and the First Amending and Supplemental Petition for Damages and be cited to appear and answer the same;

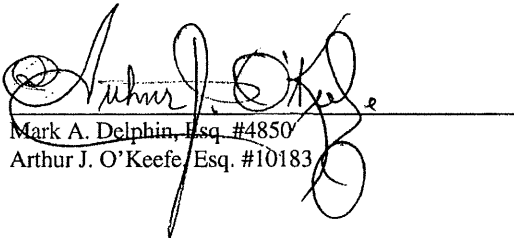
5) After the lapse of all legal delays and due proceedings are had, there be judgment herein in favor of plaintiffs, Rosalina Ayuyu Dalal and Christopher T. Lewis and against defendants, United Specialty Insurance Company, Rose Land Development, L.L.C., William J. Porter, II, Technology Insurance Company, Inc., and Eugene V. Bargeman, jointly, severally and in solido in a sum of damages as is reasonable in the premises, together with legal interest from and after the date of judicial demand until paid, and for all costs of these proceedings and the fees of expert witnesses; and

6) For all orders and decrees necessary in the premises and for all costs of these proceedings and for full, general and equitable relief.

By their attorney,

DELPHIN LAW OFFICES,
A PROFESSIONAL LAW CORPORATION
626 Broad Street
Lake Charles, LA 70601
(337) 439-3939 -Telephone
(337) 439-4504 - Facsimile
markdelphin@delphinlaw.com

BY:



Mark A. Delphin, Esq. #4850
Arthur J. O'Keefe, Esq. #10183

PLEASE SERVE:

PLEASE SERVE WITH FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES ONLY

✓ **UNITED SPECIALTY INSURANCE COMPANY**

Through the Louisiana Secretary of State
8585 Archives Blvd.
Baton Rouge, Louisiana 70809

PLEASE SERVE WITH FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES ONLY

✓ **ROSE LAND DEVELOPMENT, L.L.C.**

Via Long Arm Statute
through its registered agent for the service of legal process
Robert M. Logan
205 E. Church Street

Newton, MS 39345

PLEASE SERVE WITH FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES ONLY

✓ **WILLIAM J. PORTER**

Via Long Arm Statute
3201 Albo Stamper Road
Conehatta, MS 39057

PLEASE SERVE WITH ORIGINAL PETITION FOR DAMAGES AND FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES

TECHNOLOGY INSURANCE COMPANY, INC.

✓ Through
Louisiana Secretary of State
8585 Archives Blvd.
Baton Rouge, Louisiana 70809

PLEASE SERVE WITH ORIGINAL PETITION FOR DAMAGES AND FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES

✓ **EUGENE V. BARGEMAN**

2017 9th Street
Lake Charles, Louisiana 70601

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: WILLIAM J PORTER II
3201 ALBO STAMPER ROAD
CONEHATTA, MS 39057

PURSUANT TO LOUISIANA
LONG-ARM STATUTE

Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand in the petition of ROSALINA AYUYU DALAL against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in said Parish, within thirty (30) days after the service hereof, under penalty of default.

****PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES****

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 12TH day of MARCH, 2019.

Issued and delivered March 12, 2019

Byron Wilkinson
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371736

Filing Date: 03/12/2019 10:27 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

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3201 ALBO STAMPER ROAD
CONEHATTA, MS 39057

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BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

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CMS6371736

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ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

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3201 ALBO STAMPER ROAD
CONEHATTA, MS 39057

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PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371736

Filing Date: 03/12/2019 10:27 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSE LAND DEVELOPMENT LLC PURSUANT TO LOUISIANA
THROUGH ITS REGISTERED AGENT LONG-ARM STATUTE
FOR SERVICE: ROBERT M LOGAN
205 E CHURCH STREET
NEWTON, MS 39345

Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand in the petition of ROSALINA AYUYU DALAL against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in said Parish, within thirty (30) days after the service hereof, under penalty of default.

****PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES****

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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371745

Filing Date: 03/12/2019 10:30 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSE LAND DEVELOPMENT LLC PURSUANT TO LOUISIANA
THROUGH ITS REGISTERED AGENT LONG-ARM STATUTE
FOR SERVICE: ROBERT M LOGAN
205 E CHURCH STREET
NEWTON, MS 39345

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****PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR
DAMAGES****

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 12TH day of
MARCH, 2019.

Issued and delivered March 12, 2019

Byron Wilkinson
Deputy Clerk of Court

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RETURNED:

PARISH OF _____ this _____ day of _____ 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371745

Filing Date: 03/12/2019 10:30 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/Long Arm



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSE LAND DEVELOPMENT LLC PURSUANT TO LOUISIANA
THROUGH ITS REGISTERED AGENT LONG-ARM STATUTE
FOR SERVICE: ROBERT M LOGAN
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PARISH OF _____ this ____ day of _____ 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371745

Filing Date: 03/12/2019 10:30 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/Long Arm

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/10 Day



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVE
BATON ROUGE, LA 70809

Parish of East Baton Rouge, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL ET AL (PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse in the City of Lake Charles, in said Parish, within ten (10) days after the service hereof, under penalty of default.

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Issued and delivered March 12, 2019

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Deputy Clerk of Court

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RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371808

Filing Date: 03/12/2019 10:42 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/10 Day

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/10 Day



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVE
BATON ROUGE, LA 70809

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PARISH OF _____ this ____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371808

Filing Date: 03/12/2019 10:42 AM Page Count: 1
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ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Citation/10 Day



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: UNITED SPECIALTY INSURANCE
COMPANY
THRU LOUISIANA SECRETARY OF
STATE
8585 ARCHIVES AVE
BATON ROUGE, LA 70809

Parish of East Baton Rouge, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL ET AL (PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse in the City of Lake Charles, in said Parish, within ten (10) days after the service hereof, under penalty of default.

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PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371808

Filing Date: 03/12/2019 10:42 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation/10 Day

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



Citation
14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: TECHNOLOGY INSURANCE
COMPANY INC
THROUGH LOUISIANA
SECRETARY OF STATE
8585 ARCHIVES BLVD
BATON ROUGE, LA 70809

Parish of East Baton Rouge, Louisiana, Defendant in said suit:

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CERTIFIED COPY OF ORIGINAL PETITION FOR DAMAGES ALSO ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 12th day of March 2019.

Issued and delivered March 12, 2019

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Party No. P001

CMS6371831

Filing Date: 03/12/2019 10:48 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: TECHNOLOGY INSURANCE
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SECRETARY OF STATE
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TOTAL \$ _____

Party No. P001

CMS6371831

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UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: TECHNOLOGY INSURANCE
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SECRETARY OF STATE
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ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: EUGENE V BARGEMAN
2017 9TH STREET
LAKE CHARLES, LA 70601

Parish of Calcasieu, Louisiana, Defendant in said suit:

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DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____ 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371849

Filing Date: 03/12/2019 10:51 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: EUGENE V BARGEMAN
2017 9TH STREET
LAKE CHARLES, LA 70601

Parish of Calcasieu, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL, ET AL (PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in said Parish, within fifteen (15) days after the service hereof, under penalty of default.

CERTIFIED COPY OF ORIGINAL PETITION FOR DAMAGES ALSO ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 12th day of March 2019.

Issued and delivered March 12, 2019

Byron Wilkinson
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____ 20____, and on the _____ day of _____ 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____ 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371849

Filing Date: 03/12/2019 10:51 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



Citation

14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: EUGENE V BARGEMAN
2017 9TH STREET
LAKE CHARLES, LA 70601

Parish of Calcasieu, Louisiana, Defendant in said suit:

YOU ARE HEREBY CITED TO APPEAR before said Court, for said Parish, and to comply with the demand contained in the petition of ROSALINA AYUYU DALAL, ET AL (PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES) against you, certified copy of which petition accompanies this citation, or file your answers thereto in writing in the office of the Clerk of Court, at the Courthouse, in the City of Lake Charles, in said Parish, within fifteen (15) days after the service hereof, under penalty of default.

CERTIFIED COPY OF ORIGINAL PETITION FOR DAMAGES ALSO ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 12th day of March 2019.

Issued and delivered March 12, 2019

Byron Wilkinson
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

CMS6371849

Filing Date: 03/12/2019 10:51 AM Page Count: 1
Case Number: 2019-000531
Document Name: Citation

ROSALINA AYUYU DALAL AND
CHRISTOPHER T. LEWIS

14TH JUDICIAL DISTRICT COURT

DOCKET NO. 2019-531 D

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALTY INSURANCE
COMPANY, ROSELAND DEVELOPMENT, STATE OF LOUISIANA
LLC AND WILLIAM J. PORTER, II

NOTICE OF FILING OF NOTICE OF REMOVAL

SCANNED
JUL 11 2019

TO: HONORABLE H. LYNN JONES, II
Calcasieu Parish Clerk of Court
1000 Ryan Street
Lake Charles, LA 70601

FILED MAR 13 2019

Deputy Clerk of Court
Calcasieu Parish, Louisiana

PLEASE TAKE NOTICE that on March 13, 2019, Defendant, UNITED SPECIALTY INSURANCE COMPANY, removed this action, "*Rosalina Ayuy Dalal and Christopher T. Lewis versus United Specialty Insurance Company, Roseland Development, LLC and William J. Porter, II*", bearing Docket No. 2019-531 D, 14th Judicial District Court, for the Parish of Calcasieu, State of Louisiana, to the United States Court for the Western District of Louisiana, Lake Charles Division.

A copy of said Notice of Removal is attached in conformity with 28 U.S.C. § 1446(d).

Lafayette, Louisiana, this the 13th day of March, 2019.

Respectfully Submitted:

JEAN ANN BILLEAUD (La. Bar No. 24756)
LEWIS BRISBOIS BISGAARD & SMITH LLP
100 E. Vermilion Street, Suite 300
Lafayette, Louisiana 70501
Telephone: (337) 326-5777
Facsimile: (337) 504-3341
Email: Jean.Billeaud@lewisbrisbois.com
Attorneys for Defendants, United Specialty Insurance Company, Rose Land Development, LLC and William J. Porter, II,

MAR 18 2019
check # 103661
from Lewis Brisbois
\$315.00
Shardy



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has this date been served on opposing
counsel via email:

Mark A. Delphin
Arthur J. O'Keefe
DELPHIN LAW OFFICES
626 Broad Street
Lake Charles, LA 70601
(337) 439-3939 – Telephone
(337) 439-4504 – Facsimile
markdelphin@delphinlaw.com;
arthur@delphinlaw.com;
paralegal@delphinlaw.com

Lafayette, Louisiana this 13th day of March, 2019.



JEAN ANN BILLEAUD



Jean Ann Billeaud
100 East Vermilion Street, Suite 300
Lafayette, Louisiana 70501
Jean.Billeaud@lewisbrisbois.com
Direct: 337.205.4736

March 13, 2019

File No. 41903.05

VIA FACSIMILE: (337) 437-3206
AND FEDEX: 7746 9527 1576

Honorable H. Lynn Jones, II
Calcasieu Parish Clerk of Court
1000 Ryan Street
Lake Charles, LA 70601

Re: *Rosalina Ayuyu Dalal and Christopher T. Lewis v.*
United Specialty Insurance, et al.
14th JDC No. 2019-531, Div. "D"

fax
FILED
MAR 13 2019
Theresa
Deputy Clerk of Court
Calcasieu Parish, Louisiana

Dear Honorable Clerk:

Enclosed please Defendant's Notice of Filing of Removal, together with a copy of the Notice of Removal with attachments, filed with the United States District Court, Western District of Louisiana. Please send your invoice representing filing fees herein.

In accordance with La. Rev. Stat. 13:850, we will forward the original separately within the time specified, together with the filing fee and \$5.00 facsimile transmission fee required by statute. Thank you in advance for your assistance with this matter.



C M S 6 3 8 6 1 8
Filing Date: 03/13/2019 10:09 AM Page Count: 1
Case Number: 2019-001531
Document Name: LETTER

erely,

JAB
Jean Ann Billeaud for
LEWIS BRISBOIS BISGAARD & SMITH LLP

JAB:lah
Enclosure

cc: Mark A. Delphin (markdelphin@delphinlaw.com; paralegal@delphinlaw.com)
Arthur J. O'Keefe (arthur@delphinlaw.com)

P. 1

* * * COMMUNICATION RESULT REPORT (MAR. 14. 2019 7:47AM) * * *

FAX HEADER 1: CAL CLERKS OFFICE
FAX HEADER 2:TRANSMITTED/STORED : MAR. 14. 2019 7:47AM
FILE MODE OPTION ADDRESS

RESULT PAGE

8696 MEMORY TX 13375043341 OK 1/1
-----REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION**FAX FILED****PLEASE PUT A COPY OF THE FAX CONFIRMATION ON TOP OF YOUR ORIGINAL, AND YOUR PAYMENT WITHIN 7 DAYS****H. LYNN JONES II**
Clerk of Court and Ex-Officio Recorder
Fourteenth Judicial District of Louisiana
Parish of Calcasieu
Lake Charles, Louisiana**FILED 3.13.19**
Thal.
Deputy Clerk of Court
Calcasieu Parish, LouisianaPost Office Box 1030
Lake Charles, Louisiana 70602Main: 337-437-3550
Main Fax 337-437-3350

To: <u>Jean Ann Billeaud</u>	From: <u>JO ANN HANKS</u>
Fax: <u>337.604.3341</u>	Pages: <u>1</u> Including Cover
Phone: _____	Date: <u>3.14.19 (filed 3.13.19)</u>
Re: <u>FAX CONFIRMATION</u>	Return Fax: <u>337-437-3206</u>

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle
• Comments:WE RECEIVED YOUR FAX FILING OF Notice of Removal IN CASE
NUMBER 2019-531 AND IT WILL BE FILED FOR THE DATE ABOVE.FAX FILING COSTS FOR THE PLEADING FILED ABOVE IS \$ 315.00
45 INCLUDING EXHIBITS
____ NOT INCLUDING EXHIBITS**PLEASE NOTE: EXHIBITS NOT FAXED WITH PLEADING WILL BE FILED FOR THE DATE ORIGINAL IS RECEIVED.****YOU MUST FORWARD THE ORIGINAL, TOGETHER WITH A COPY OF THIS FAX CONFIRMATION, AND YOUR PAYMENT WITHIN 7 DAYS.**

THANKS,

JO ANN HANKS
DEPUTY CLERK OF COURT
COST DEPARTMENT
337-437-3550 EXT. 141Dr. Lalal, et al
RS
united Speciality, et alFiling Date: 03/13/2019 12:00 AM Page Count: 2
Case Number: 2019-000531
Document Name: FAX CONFIRMATION

FAX FILED

PLEASE PUT A COPY OF THE FAX CONFIRMATION ON TOP OF YOUR ORIGINAL, AND YOUR PAYMENT WITHIN 7 DAYS

H. LYNN JONES II

Clerk of Court and Ex-Officio Recorder
Fourteenth Judicial District of Louisiana
Parish of Calcasieu
Lake Charles, Louisiana

Post Office Box 1030
Lake Charles, Louisiana 70602



Main: 337-437-3550
Main Fax 337-437-3350

To: Jean Ann Billeaud From: JO ANN HANKS
Fax: 337.504.3341 Pages: 1 Including Cover
Phone: _____ Date: 3.14.19 (filed 3.13.19)
Re: FAX CONFIRMATION Return Fax: 337-437-3206

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• **Comments:**

WE RECEIVED YOUR FAX FILING OF Notice of Removal IN CASE
NUMBER 2019-531 AND IT WILL BE FILED FOR THE DATE ABOVE.

FAX FILING COSTS FOR THE PLEADING FILED ABOVE IS \$ 315.00
45 INCLUDING EXHIBITS
____ NOT INCLUDING EXHIBITS

PLEASE NOTE: EXHIBITS NOT FAXED WITH PLEADING WILL BE FILED FOR THE DATE ORIGINAL IS RECEIVED.

YOU MUST FORWARD THE ORIGINAL, TOGETHER WITH A COPY OF THIS FAX CONFIRMATION, AND YOUR PAYMENT WITHIN 7 DAYS.

THANKS,

JO ANN HANKS
DEPUTY CLERK OF COURT
COST DEPARTMENT
337-437-3550 EXT. 141

Re: Dalal, et al

*RS
united Speciality et al*

H. Lynn Jones II

Clerk of Court and Ex-Officio Recorder
 Fourteenth Judicial District of Louisiana
 Parish of Calcasieu
 Lake Charles, Louisiana

Post Office Box 1030
 Lake Charles, Louisiana 70602



Main: 337-437-3550
 Fax: 337-437-3350

STATEMENT

To JEAN ANN BILLEAUD
 100 E VERMILLION STREET, SUITE 300
 LAFAYETTE, LA 70501-0000

In ROSALINA AYUYU DALAL
 VS.
 UNITED SPECIALTY
 INSURANCE COMPANY

Date: 03/18/2019

Case Number: 2019-000531

STATEMENT	CASE NUMBER	AMOUNT DUE
1319157	2019-000531	\$162.00

DATE	DESCRIPTION	AMOUNT
03/18/2019	Your costs in above entitled numbered matter	\$162.00
	Less Advance Deposit	\$0.00
	Less Refunds	\$0.00
	Balance Due	\$162.00

This statement is for court costs in the above entitled case. This is a debt you owe. Please contact our office 8:30-4:30 Monday – Friday (excluding holidays) at 337-437-3550 to discuss this matter or make payment arrangements. Credit cards accepted VISA, MASTER CARD, and DISCOVER.

Send Remittance Portion with your payment to:
 Calcasieu Parish Clerk of Court P.O. Box 1030 Lake Charles, LA 70602

Statement: 1319157	Case: 2019-000531	Amount Due: \$162.00
Party: UNITED SPECIALTY INSURANCE COMPANY D001	Due Date: 04/17/2019	
Payment _____		
Cash <input type="checkbox"/>	Chc <input type="checkbox"/>	

Contact Billing at 337-437-3550 with any questions regarding your Statement.

ROSALINA AYUYU DALAL AND : 14TH JUDICIAL DISTRICT COURT
CHRISTOPHER T. LEWIS

VS. NO. 2019-531 "D" : PARISH OF CALCASIEU

UNITED SPECIALTY
INSURANCE COMPANY, : STATE OF LOUISIANA
ROSE LAND DEVELOPMENT,
L.L.C. and WILLIAM J. PORTER, II

FILED: _____ :
DEPUTY CLERK OF COURT

EXHIBIT "A"

Delphin Law Offices

A Professional Law Corporation

Mark A. Delphin*

626 Broad Street
Lake Charles, LA 70601

Office: (337) 439-3939
Fax: (337) 439-4504
E-Mail:

*Also admitted in Texas
markdelphin@delphinlaw.com

February 19, 2019

Roseland Development, LLC
Mr. Robert M. Logan
205 East Church Street
Newton, MS 39345

RE: Rosalina A. Dalal, et al v. United Specialty Insurance Company, et al
Docket No: 2019-531, D, 14th JDC

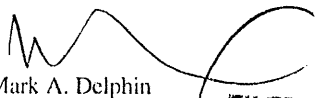
Dear Mr. Logan:

I am pleased to enclose a certified copy of a Petition for Damages filed in the above captioned matter.

You are being served pursuant to LSA-R.S. 13:3201 et seq., the Long Arm Statute, and have thirty (30) days from your receipt hereof to answer said petition.

With best regards, I am

Yours truly,


Mark A. Delphin



C M S 6 3 0 5 1 1 8
Filing Date: 03/27/2019 12:00 AM
Case Number: 2019-000531
Document Name: FILE EXHIBITS

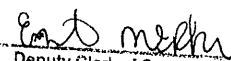
Page Count: 2

MAD/bc

Enclosure

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
7011 3500 0000 5557 8609

FILED 3-27-19


Deputy Clerk of Court
Calcasieu Parish, Louisiana

ROSALINA AYUYU DALAL AND
CHRISTOPHER T. LEWIS

14TH JUDICIAL DISTRICT COURT

VS. NO. 2019-531 "D"

PARISH OF CALCASIEU

UNITED SPECIALTY
INSURANCE COMPANY,
ROSE LAND DEVELOPMENT,
L.L.C. and WILLIAM J. PORTER, II

STATE OF LOUISIANA

FILED: _____

DEPUTY CLERK OF COURT

EXHIBIT "B"

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.65
Certified Fee	3.35
Return Receipt Fee (Endorsement Required)	2.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.75

Postmark Here

Sent To: Roseland Dev - Robert Legen
Street, Apt. No., or PO Box No.: 205 E. Church Street
City, State, ZIP+4: Newton, MS 39345

PS Form 3800, August 2006 See Reverse for Instructions

SENDER COMPLETE THIS SECTION

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Roseland Development
Attn: Robert Legen
205 E. Church St.
Newton, MS 39345

2. Article Number (Transfer from service label)
7011 3500 0000 5557 8609

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Signature] ☐ Agent ☒ Addressee

B. Received by (Printed Name)
Sarah Legen

C. Date of Delivery
FEB 25 2019

D. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

RECEIVED FEB 25 2019

Domestic Return Receipt

ROSALINA AYUYU DALAL AND : 14TH JUDICIAL DISTRICT COURT
CHRISTOPHER T. LEWIS

VS. NO. 2019-531 "D" : PARISH OF CALCASIEU

UNITED SPECIALTY :
INSURANCE COMPANY, : STATE OF LOUISIANA
ROSE LAND DEVELOPMENT,
L.L.C. and WILLIAM J. PORTER, II

P1
Pauper

FILED: 3-27-19 : END ME PHER
DEPUTY CLERK OF COURT

STATE OF LOUISIANA :
PARISH OF CALCASIEU : AFFIDAVIT OF SERVICE

BEFORE ME, the undersigned authority, personally came and appeared BERNICE CHRISTOPHE, 626 Broad Street, Lake Charles, Louisiana, 70601, who after being duly sworn, said that on the 19th day of February, 2019, she served a certified copy of a Petition for Damages under the Louisiana Long Arm Statute, LSA-R.S. 13:3204, by mailing it to ROSELAND DEVELOPMENT LLC, to the registered agent, ROBERT LOGAN by certified mail, return receipt requested, properly addressed and postage prepaid; that appearer received the return receipt on February 25, 2019 which had been signed for on February 21, 2019 by Sarah H.

B. C.

BERNICE CHRISTOPHE
Secretary to MARK A. DELPHIN
Attorney for plaintiffs

SWORN TO AND SUBSCRIBED before me, Notary Public, at Lake Charles, Calcasieu Parish, Louisiana, on this 26th day of March, 2019

MARK A. DELPHIN

MARK A. DELPHIN - NOTARY PUBLIC
My Commission Expires at Death



H. Lynn Jones II

Clerk of Court and Ex-Officio Recorder
Fourteenth Judicial District of Louisiana
Parish of Calcasieu
Lake Charles, Louisiana

Post Office Box 1030
Lake Charles, Louisiana 70602

Main: 337-437-3550
Fax: 337-437-3350



MARK A DELPHIN
*626 BROAD ST.
LAKE CHARLES, LA 70601-0000

April 1, 2019

ROSALINA AYUYU DALAL
VS. NO: 2019-000531
UNITED SPECIALTY INSURANCE COMPANY

Dear MARK DELPHIN:

We are holding NOTICE OF REMOVAL for a deposit of \$587.26. Your attention is called to portion of R.S. 13:842 which states as follows:

Whenever the costs have exhausted the amount of the original advance deposit, the Clerk may refuse to perform any further function in the proceeding until the additional costs for the function have been paid, in accordance with the fees set forth in R.S. 13:841.

Return the enclosed payment voucher with your payment. Failure to include the payment voucher could further delay processing of your filing.

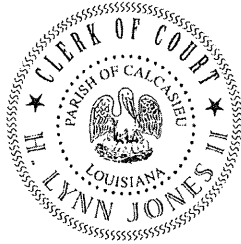
Sincerely,

Jo Ann Hanks
Deputy Clerk of Court

CC:
Record

CMS6395640

Filing Date: 04/01/2019 10:12 AM Page Count: 1
Case Number: 2019-000531
Document Name: Cost Letter (Legacy data)



PAYMENT VOUCHER

for filings being held for Cost

Return this voucher with your payment. Failure to include the voucher could further delay processing of your filing.

Addressee
MARK DELPHIN

Docket Number
2019-0531

JAH

Amount
\$ 587.26

Party Code
P1

For office use

emp	date	pmt type	amt

P. 1

* * * COMMUNICATION RESULT REPORT (APR. 2. 2019 10:50AM) * * *

FAX HEADER 1: CAL CLERKS OFFICE
FAX HEADER 2:TRANSMITTED/STORED : APR. 2. 2019 10:49AM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

9134 MEMORY TX

3186197744

OK

1/1

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION

H. LYNN JONES II
Clerk of Court and Ex-Officio Recorder
Fourteenth Judicial District of Louisiana
Parish of Calcasieu
Lake Charles, Louisiana

Post Office Box 1030
Lake Charles, Louisiana 70602



Main: 337-437-3550
Main Fax 337-437-3350

To: A. Bauard From: Shelbie Hardy
Fax: (318) 619-7744 Pages: 1 Including Cover
Phone: Date: APR - 2 2019
Re: FAX CONFIRMATION Return Fax: 337-437-3206

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dalat vs. USC

• Comments:

WE RECEIVED YOUR FAX FILING OF exception, Jun 1 order, RTSC, will be
IN CASE NUMBER 2019-531 AND IT WILL BE FILED FOR THE DATE ABOVE.

FAX FILING COSTS FOR THE PLEADING FILED ABOVE IS \$ 438.00
☒ INCLUDING EXHIBITS
☐ NOT INCLUDING EXHIBITS

PLEASE NOTE: EXHIBITS NOT FAXED WITH PLEADING WILL BE FILED FOR THE
DATE ORIGINAL IS RECEIVED.

YOU MUST FORWARD THE ORIGINAL, TOGETHER WITH A COPY OF THIS FAX
CONFIRMATION, AND YOU PAYMENT WITHIN 7 DAYS.

THANKS,

***** PLEASE NOTE THE**

Shelbie Hardy
DEPUTY CLERK OF COURT
COST DEPARTMENT
337-437-3558, ext 204

CORRECT CIVIL FAX

FILING #, (337)437-

3206.***



CMS 6397908
Filing Date: 04/02/2019 10:49 AM
Case Number: 2019-00531
Document Name: FAX CONFIRMATION

H. LYNN JONES II
Clerk of Court and Ex-Officio Recorder
Fourteenth Judicial District of Louisiana
Parish of Calcasieu
Lake Charles, Louisiana

Post Office Box 1030
Lake Charles, Louisiana 70602



Main: 337-437-3550
Main Fax 337-437-3350

To: A. Bauard From: Shelbie Hardy
Fax: (318) 619-7744 Pages: 1 Including Cover
Phone: Date: APR - 2 2019
Re: FAX CONFIRMATION Return Fax: 337-437-3206

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

WE RECEIVED YOUR FAX FILING OF exception, Junyader, RTSC, memo
IN CASE NUMBER 2019-531 AND IT WILL BE FILED FOR THE DATE ABOVE.

FAX FILING COSTS FOR THE PLEADING FILED ABOVE IS \$ 438.00
☒ INCLUDING EXHIBITS
☒ NOT INCLUDING EXHIBITS

PLEASE NOTE: EXHIBITS NOT FAXED WITH PLEADING WILL BE FILED FOR THE
DATE ORIGINAL IS RECEIVED.

YOU MUST FORWARD THE ORIGINAL, TOGETHER WITH A COPY OF THIS FAX
CONFIRMATION, AND YOU PAYMENT WITHIN 7 DAYS.

THANKS,

***** PLEASE NOTE THE**

Shelbie Hardy
DEPUTY CLERK OF COURT
COST DEPARTMENT
337-437-3558, ext 204

CORRECT CIVIL FAX

FILING #, (337)437-

3206.***

Fax CONFIRMATION

FAIRCLOTH MELTON SOBEL & BASH, LLC**ATTORNEYS**JIMMY R. FAIRCLOTH, JR., L¹

BARBARA BELL MELTON

DAVID R. SOBEL ²

LOTTIE L. BASH

BROOK LANDRY VILLA

DREW HOFFMANN

LAURA BETH MATTHEWS

NATE W. FRIEDMAN

MADALINE KING

105 YORKTOWN DRIVE

ALEXANDRIA, LA 71303

PHONE (318) 619-7755

FAX (318) 619-7744

www.fairclothlaw.com

OF COUNSEL

WILSON & WILSON

JENA, LA

¹ LL.M. IN LITIGATION² ALSO ADMITTED IN GEORGIA³ ALSO ADMITTED IN TEXASEmail: aballard@fairclothlaw.com**FACSIMILE****LATE**

Recipient	Regarding
Calcasieu Parish Clerk of Court	Rosalina Dalal and Christopher Lewis v. United Speciality Insurances Company, et al

Fax No: 337-437-3804

From: Lottie L. Bash

Date: April 1, 2019

Pages: ___, including cover sheet.

Message:

THE ATTACHED INFORMATION IS CONFIDENTIAL AND SHOULD BE DELIVERED ONLY TO THE ADDRESSEE. IF YOU HAVE RECEIVED THIS INFORMATION IN ERROR, PLEASE DESTROY IT AND CONTACT THE SENDER AT ONCE.

SCANNED

APR 23 2019



C M S 6 3 8 7 9 0 7
 Page Count: 14
 User: M...
 Location: ...

FAIRCLOTH MELTON SOBEL & BASH, LLC

ATTORNEYS

JIMMY R. FAIRCLOTH, JR.^{1,2}
BARBARA BELL MELTON
DAVID R. SOBEL³
LOTTIE L. BASH
BROOK LANDRY VILLA
DREW HOFFMANN
LAURA BETH MATTHEWS
NATE W. FRIEDMAN
MADALINE KING

105 YORKTOWN DRIVE
ALEXANDRIA, LA 71303
PHONE (318) 619-7755
FAX (318) 619-7744

www.fairclothlaw.com

OF COUNSEL
WILSON & WILSON
JENA, LA

¹ LL.M. IN LITIGATION

² ALSO ADMITTED IN GEORGIA

³ ALSO ADMITTED IN TEXAS

April 1, 2019

H. Lynn Jones, II
Calcasieu Parish Clerk of Court
P.O. Box 1030
Lakes Charles, Louisiana 70602-1030

Via Fax: (337) 437-3804

Re: Rosalina Dalal and Christopher Lewis v. United Speciality Insurances
Company, et al
Civil Suit No: 2019-531
14th Judicial District Court, State of Louisiana

Dear Lynn:

Enclosed please find a Dilatory Exception, Motion to Strike, and Answer to Petition for Damages; and a Proposed Order for Jury Trial, which we are filing on behalf of defendants, Eugene V. Bargeman and Technology Insurance Company, Inc, in the above entitled suit.

We ask that you please provide us with certified copies of any order already entered in this matter fixing or scheduling this matter for trial, whether on exceptions, on a rule or on the merits.

We also request that you give us written notice at least ten (10) days in advance of the date fixed for trial of this case, whether on exceptions, on a rule or on the merits. We also request that you send us immediate notice of any order or judgment made or rendered in this case upon the entry of such order or judgment.

A copy of this correspondence is attached which we ask that you please stamp in acknowledgment of receipt and filing of this pleading and return to us.

Our law firm's check in the amount of \$334.00 is included to cover the cost of this request.

04/01/2019

15:41 Office

(FAX)3186197744

P.0037014

FAIRCLOTH MELTON SOBEL & BASH LLC

April 1, 2019

With kind personal regards, I remain

Respectfully yours,

FAIRCLOTH MELTON SOBEL & BASH LLC

By: 

Lottie L. Bash

:amb
Enclosures

cc: Mark A. Delphin
Arthur J. O'Keefe
Delphin Law Offices
626 Broad Street
Lake Charles, Louisiana 70601

CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS

14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALITY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

STATE OF LOUISIANA

**DILATORY EXCEPTION, MOTION TO STRIKE AND ANSWER BY EUGENE V. BARGEMAN
AND TECHNOLOGY INSURANCE COMPANY, INC.**

NOW COME EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC.,
named defendants herein and through undersigned counsel, and for response to the original
Petition for Damages and Plaintiff's First Amending and Supplemental Petition for Damages
aver as follows:

DILATORY EXCEPTION & MOTION TO STRIKE

1.

The allegations contained in plaintiffs' petition for damages are vague and ambiguous
and should be stricken from the pleadings.

2.

The basis for this motion to strike and dilatory exception are set forth in the attached
memorandum in support, which is incorporated herein via reference.

ANSWER TO THE ORIGINAL PETITION FOR DAMAGES

1.

The allegations contained in opening/introductory paragraph of the original petition
are denied.

2.

The allegations contained in paragraph I of the original petition are denied for lack of
sufficient basis to justify a belief herein.

3.

The allegations contained in paragraph II of the original petition are denied for lack of
sufficient basis to justify a belief herein.

4.

The allegations contained in paragraph III of the original petition are denied for lack
of sufficient basis to justify a belief herein.

5.

The allegations contained in paragraph IV of the original petition do not require an admission or a denial. In the event one is required, the allegations are denied.

6.

Except as may be otherwise admitted, explained or modified herein, the allegations contained in paragraph V of the original petition are denied.

Further answering, Eugene Bargeman did properly and correctly bring his vehicle to a stop prior to William Porter ramming his Peterbilt truck into the rear of Eugene Bargeman's vehicle forcing Eugene Bargeman's vehicle into the vehicle which contained the plaintiffs.

7.

The allegations contained in paragraph VI of the original petition are denied for lack of sufficient basis to justify a belief herein.

8.

The allegations contained in paragraph VII of the original petition are denied for lack of sufficient basis to justify a belief herein.

9.

The allegations contained in paragraph VIII of the original petition are admitted.

10.

The allegations contained in the first paragraph XI of the original petition are denied.

11.

The allegations contained in the second paragraph X of the original petition are denied.

12.

The allegations contained in paragraph XI of the original petition are denied.

13.

The allegations contained in paragraph XII of the original petition do not require an admission or a denial. To the extent one is required, the allegations are denied.

14.

The allegations contained in paragraph XIII of the original petition do not require an admission or a denial. To the extent one is required, the allegations are denied.

15.

04/01/2019

15:41 Office

(FAX)3186197744

P.0061614

The allegations contained in paragraph XIV of the original petition are denied for lack of sufficient information in which to justify a belief therein.

16.

The allegations contained in paragraph XV of the original petition are denied for lack of sufficient information in which to justify a belief therein.

**ANSWER TO PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL
PETITION FOR DAMAGES**

1.

Except as may be otherwise admitted, explained or modified herein, the allegations contained in paragraph I of the amending petition, adding paragraph III(a) to the original petition, are denied.

Further answering, Technology Insurance Company, Inc. is a foreign insurer authorized to do and doing business in the State of Louisiana.

2.

Except as may be otherwise admitted, explained or modified herein, the allegations contained in paragraph II of the amending petition, adding paragraph III(b) to the original petition, are denied.

Further answering, Eugene V. Bargeman is domiciled in the State of Louisiana.

3.

The allegations contained in paragraph III of the amending petition, amending paragraph IV to the original petition, are denied.

4.

The allegations contained in paragraph IV (including all sub-parts) of the amending petition, amending paragraph V to the original petition, are denied.

5.

Except as may be otherwise admitted, explained or modified herein, the allegations contained in paragraph V of the amending petition, amending paragraph VII(a) to the original petition, are denied.

Further answering, at the time of the accident which is the subject matter to this litigation (the "Accident"), Technology Insurance Company, Inc. had in full force and effect policy number TPP1175782-02, with a named insured of Paramount Nissan, LLC, which policy contains many provisions, exclusions, limitations and conditions and is the best evidence of

its contents.

6.

The allegations contained in the first paragraph VI (including all sub-parts) of the amending petition, amending paragraph VIII to the original petition, are vague and ambiguous and should be stricken from the pleadings.

Further answering, the allegations as to William J. Porter, II are admitted. The allegations regarding Eugene V. Bargeman are denied.

7.

The allegations contained in the second paragraph VI of the amending petition do not require an admission or a denial. To the extent one is required, the allegations are denied.

8.

The allegations contained in the prayer (including all sub-parts) of the amending petition do not require an admission or a denial. To the extent one is required, the allegations are denied.

9.

Any other allegations contained in the plaintiff's original and/or amending petition not specifically admitted, is herein denied.

AND NOW, FURTHER ANSWERING THE PLAINTIFFS' PETITION FOR DAMAGES, THESE DEFENDANTS SHOW ALTERNATIVELY AND AFFIRMATIVELY THAT:

1.

These defendants allege that the Accident was proximately caused in whole, or alternatively in part, by the negligence or other legal fault of persons or other entities for whom this defendant is not legally responsible, specifically William J. Porter, Rose Land Development, LLC and/or United Speciality Insurance Company, as pled by plaintiffs in their petitions, which is specifically pled in bar of, or in reduction of, or in mitigation of the damages claimed by the plaintiffs herein.

2.

Alternatively, and only in the event this Court finds that these defendants are legally responsible for the alleged injuries and/or damages claimed by plaintiffs herein, which is specifically denied, if investigation, discovery and/or evidence demonstrate that plaintiffs failed to mitigate his or her damages, these defendants plead failure to mitigate damages

as an affirmative defense, which is specifically pled in bar of, reduction of or in mitigation of the damages claimed by plaintiffs herein.

3.

Alternatively, to the extent plaintiffs' alleged injuries or damages were not caused by or related to the Accident, these defendants plead lack of causation as an affirmative defense, which is specifically pled in bar of, reduction of, or in mitigation of the damages claimed by plaintiffs herein.

4.

Alternatively, to the extent all (or alternatively portions) of plaintiffs' alleged injuries or damages are the result of pre-existing medical conditions, accident(s) and/or injury(ies) that occurred before the Accident, these defendants plead lack of causation as an affirmative defense, which is specifically pled in bar of, reduction of or in mitigation of the damages claimed by plaintiffs herein.

5.

Alternatively, to the extent all (or alternatively portions) of plaintiffs' alleged injuries or damages are the result of medical conditions, accident(s) and/or injury(ies) that occurred after the Accident, these defendants plead lack of causation as an affirmative defense, which is specifically pled in bar of, reduction of or in mitigation of the damages claimed by plaintiffs herein.

JURY TRIAL DEMANDED

These defendants demand a trial by jury to all claims herein.

WHEREFORE these defendants, Eugene V. Bargeman and Technology Insurance Company, Inc., pray that this Answer be deemed good and sufficient and that after due proceedings have been had that judgment be awarded to these defendants and against plaintiffs at their cost and with prejudice.

Respectfully submitted,

FAIRCLOTH MELTON SOBEL AND BASH, LLC.

By: 

Lottie L. Bash (Bar Roll #26186)
Laura Beth Matthews (Bar Roll #33862)
Franklin "Drew" Hoffmann (Bar Roll #35824)
Madaline King (Bar Roll # 38301)
105 Yorktown Drive
Alexandria, Louisiana 71303
Phone: (318) 619-7755
Fax: (318) 619-7744

**ATTORNEYS FOR EUGENE V. BARGEMAN AND
TECHNOLOGY INSURANCE COMPANY, INC.**

CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS

14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALITY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

STATE OF LOUISIANA

ORDER FOR JURY TRIAL

Considering the demand for trial by jury in the answer of the defendants, EUGENE
V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC.,

IT IS ORDERED that this case be tried by jury.

THUS DONE AND SIGNED at Lake Charles, Parish of Calcasieu, Louisiana, this ____
day of _____, 2019.

JUDGE ROBERT L. WYATT
14th JUDICIAL DISTRICT COURT

CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS

14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALITY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

STATE OF LOUISIANA

ORDER TO SHOW CAUSE

Considering the foregoing Dilatory Exceptions, Motion to Strike and Answer by ,
Eugene V. Bargeman and Technology Insurance Company, Inc.;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiffs, Rosalina Ayuyu
Dalal and Christopher Lewis, show cause on the _____ day of _____, 2019,
at _____ o'clock ____M, why the Dilatory Exceptions and Motion to Strike filed by Eugene
V. Bargeman and Technology Insurance Company, Inc. should not be granted.

THUS DONE AND SIGNED at _____, Louisiana, this _____ day of
_____, 2019.

JUDGE ROBERT L. WYATT
14TH JUDICIAL DISTRICT COURT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has been sent to all
known counsel of record via U.S. mail, postage paid:

Mark A. Delphin
Arthur J. O'Keefe
Delphin Law Offices
626 Broad Street
Lake Charles, Louisiana 70601

Alexandria, Louisiana, this 1st day of April, 2019.



OF COUNSEL

CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS

14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALITY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

STATE OF LOUISIANA

**MEMORANDUM IN SUPPORT OF DILATORY EXCEPTIONS
AND MOTIONS TO STRIKE**

MAY IT PLEASE THE COURT:

Article 891 of the Louisiana Code of Civil Procedure requires that a petition "contain a short, clear, and concise statement of all causes of action arising out of, and of the material facts of, the transaction or occurrence that is the subject matter of the litigation." La. Code Civ. Proc. art. 891. Open ended allegations must be set forth particularly, not generally. *Snoddy vs. City of Marksville*, 97-27 (La. App. 3 Cir. 10/8/97) 702 So.2d 890. Although a defendant is not entitled to demand exactitude, a petitioner must place the defendant on notice of the nature of the facts sought to be proved in order to enable the defendant to identify the cause of action and, thus, prevent the matter's future relitigation after a judgment is obtained in the current suit. *Bustamente v. Vezina*, 95-556 (La. App. 5 Cir. 1/30/96), 668 So.2d 1286.

Specifically, open-ended allegations fail to adequately inform a defendant of the nature of the facts, which preclude a defendant from forming a defense, thereby warranting an exception of vagueness. *Sikes v. McLean Trucking Co.*, 383 So.2d 111, 114 (La. App. 3 Cir. 1980). Open-ended language, such as "[a]ny and all other acts of negligence and/or fault which will be proven at trial of this matter" are vague and ambiguous and should be stricken from the pleadings. *Snoddy v. City of Marksville*, 97-327 (La. App. 3 Cir. 10/8/97), 702 So.2d 890, 899. Additionally, phrases such as "including but not limited to" are not appropriate in describing injuries. *See Sikes*, 383 So.2d at 114. When a petitioner, like the plaintiff in the instant case, includes such open-ended language, the requirements of Article 891 have not been met and the Court should sustain an exception of vagueness and ambiguity. *Snoddy*, 702 So.2d at 899.

In the case at bar, plaintiff alleges in the amended petition paragraph VI amending paragraph VIII to the original petition, b(4), by stating [a]ny and all other acts and/or

omissions constituting negligent and/or fault and/or want of care and/or strict liability which are proven at the time of trial. Clearly, plaintiff cannot leave such open-ended allegations and the language should be stricken from the pleadings.

Respectfully submitted,

FAIRCLOTH MELTON SOBEL AND BASH, LLC.

By: 

Lottie L. Bash (Bar Roll #26186)
Laura Beth Matthews (Bar Roll #33862)
Franklin "Drew" Hoffmann (Bar Roll #35824)
Madaline King (Bar Roll # 38301)
105 Yorktown Drive
Alexandria, Louisiana 71303
Phone: (318) 619-7755
Fax: (318) 619-7744

**ATTORNEYS FOR EUGENE V. BARGEMAN AND
TECHNOLOGY INSURANCE COMPANY, INC.**

CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALITY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

STATE OF LOUISIANA

FILED 4/12/19
Amite Bow
Deputy Clerk of Court
Calcasieu Parish, Louisiana

**MEMORANDUM IN SUPPORT OF DILATORY EXCEPTIONS
AND MOTIONS TO STRIKE***MAY IT PLEASE THE COURT:*

Article 891 of the Louisiana Code of Civil Procedure requires that a petition "contain a short, clear, and concise statement of all causes of action arising out of, and of the material facts of, the transaction or occurrence that is the subject matter of the litigation." La. Code Civ. Proc. art. 891. Open ended allegations must be set forth particularly, not generally. *Snoddy vs. City of Marksville*, 97-27 (La. App. 3 Cir. 10/8/97) 702 So.2d 890. Although a defendant is not entitled to demand exactitude, a petitioner must place the defendant on notice of the nature of the facts sought to be proved in order to enable the defendant to identify the cause of action and, thus, prevent the matter's future relitigation after a judgment is obtained in the current suit. *Bustamente v. Vezina*, 95-556 (La. App. 5 Cir. 1/30/96), 668 So.2d 1286.

Specifically, open-ended allegations fail to adequately inform a defendant of the nature of the facts, which preclude a defendant from forming a defense, thereby warranting an exception of vagueness. *Sikes v. McLean Trucking Co.*, 383 So.2d 111, 114 (La. App. 3 Cir. 1980). Open-ended language, such as "[a]ny and all other acts of negligence and/or fault which will be proven at trial of this matter" are vague and ambiguous and should be stricken from the pleadings. *Snoddy v. City of Marksville*, 97-327 (La. App. 3 Cir. 10/8/97), 702 So.2d 890, 899. Additionally, phrases such as "including but not limited to" are not appropriate in describing injuries. *See Sikes*, 383 So.2d at 114. When a petitioner, like the plaintiff in the instant case, includes such open-ended language, the requirements of Article 891 have not been met and the Court should sustain an exception of vagueness and ambiguity. *Snoddy*, 702 So.2d at 899.

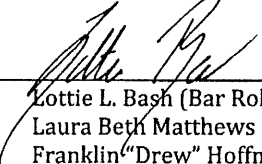
In the case at bar, plaintiff alleges in the amended petition paragraph VI amending paragraph VIII to the original petition, b(4), by stating [a]ny and all other acts and/or



omissions constituting negligent and/or fault and/or want of care and/or strict liability which are proven at the time of trial. Clearly, plaintiff cannot leave such open-ended allegations and the language should be stricken from the pleadings.

Respectfully submitted,

FAIRCLOTH MELTON SOBEL AND BASH, LLC.

By: 
Lottie L. Bash (Bar Roll #26186)
Laura Beth Matthews (Bar Roll #33862)
Franklin "Drew" Hoffmann (Bar Roll #35824)
Madaline King (Bar Roll # 38301)
105 Yorktown Drive
Alexandria, Louisiana 71303
Phone: (318) 619-7755
Fax: (318) 619-7744

**ATTORNEYS FOR EUGENE V. BARGEMAN AND
TECHNOLOGY INSURANCE COMPANY, INC.**

CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS

14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALITY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

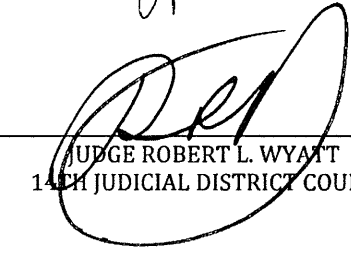
STATE OF LOUISIANA

ORDER TO SHOW CAUSE

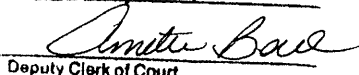
Considering the foregoing Dilatory Exceptions, Motion to Strike and Answer by ,
Eugene V. Bargeman and Technology Insurance Company, Inc.;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiffs, Rosalina Ayuyu
Dalal and Christopher Lewis, show cause on the 11 day of June, 2019,
at 9⁰⁰ o'clock A.M, why the Dilatory Exceptions and Motion to Strike filed by Eugene
V. Bargeman and Technology Insurance Company, Inc. should not be granted.

THUS DONE AND SIGNED at Lake Charles, Louisiana, this 22 day of
April, 2019.


JUDGE ROBERT L. WYATT
14TH JUDICIAL DISTRICT COURT

FILED 4/22/19


Deputy Clerk of Court
Calcasieu Parish, Louisiana

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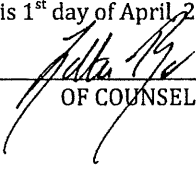


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has been sent to all
known counsel of record via U.S. mail, postage paid:

Mark A. Delphin
Arthur J. O'Keefe
Delphin Law Offices
626 Broad Street
Lake Charles, Louisiana 70601

Alexandria, Louisiana, this 1st day of April, 2019.



OF COUNSEL

CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS

14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALITY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

STATE OF LOUISIANA

ORDER FOR JURY TRIAL

Considering the demand for trial by jury in the answer of the defendants, EUGENE
V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC.,

IT IS ORDERED that this case be tried by jury.

THUS DONE AND SIGNED at Lake Charles, Louisiana, this ____

day of _____, 2019

FILED

4/12/19
Amiee Bow
Deputy Clerk of Court
Calcasieu Parish, Louisiana

SEE ATTACHED JURY ORDER

COURT

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CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

FILED

UNITED SPECIALITY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

STATE OF LOUISIANA

Deputy Clerk of Court
Calcasieu Parish, Louisiana*****
**DILATORY EXCEPTION, MOTION TO STRIKE AND ANSWER BY EUGENE V. BARGEMAN
AND TECHNOLOGY INSURANCE COMPANY, INC.**

NOW COME EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC.,

named defendants herein and through undersigned counsel, and for response to the original

Petition for Damages and Plaintiff's First Amending and Supplemental Petition for Damages

aver as follows:

DILATORY EXCEPTION & MOTION TO STRIKE

1.

The allegations contained in plaintiffs' petition for damages are vague and ambiguous
and should be stricken from the pleadings.

2.

The basis for this motion to strike and dilatory exception are set forth in the attached
memorandum in support, which is incorporated herein via reference.**ANSWER TO THE ORIGINAL PETITION FOR DAMAGES**

1.

The allegations contained in opening/introductory paragraph of the original petition
are denied.

2.

The allegations contained in paragraph I of the original petition are denied for lack of
sufficient basis to justify a belief herein.

3.

The allegations contained in paragraph II of the original petition are denied for lack of
sufficient basis to justify a belief herein.

4.

The allegations contained in paragraph III of the original petition are denied for lack
of sufficient basis to justify a belief herein.SCANNED
JUN 19 20195 copy
6-2019
2 ccJDC
AB4/2/19
Dmitri Bane
Deputy Clerk of Court
Calcasieu Parish, Louisiana
04

5.

The allegations contained in paragraph IV of the original petition do not require an admission or a denial. In the event one is required, the allegations are denied.

6.

Except as may be otherwise admitted, explained or modified herein, the allegations contained in paragraph V of the original petition are denied.

Further answering, Eugene Bargeman did properly and correctly bring his vehicle to a stop prior to William Porter ramming his Peterbilt truck into the rear of Eugene Bargeman's vehicle forcing Eugene Bargeman's vehicle into the vehicle which contained the plaintiffs.

7.

The allegations contained in paragraph VI of the original petition are denied for lack of sufficient basis to justify a belief herein.

8.

The allegations contained in paragraph VII of the original petition are denied for lack of sufficient basis to justify a belief herein.

9.

The allegations contained in paragraph VIII of the original petition are admitted.

10.

The allegations contained in the first paragraph XI of the original petition are denied.

11.

The allegations contained in the second paragraph X of the original petition are denied.

12.

The allegations contained in paragraph XI of the original petition are denied.

13.

The allegations contained in paragraph XII of the original petition do not require an admission or a denial. To the extent one is required, the allegations are denied.

14.

The allegations contained in paragraph XIII of the original petition do not require an admission or a denial. To the extent one is required, the allegations are denied.

15.

The allegations contained in paragraph XIV of the original petition are denied for lack of sufficient information in which to justify a belief therein.

16.

The allegations contained in paragraph XV of the original petition are denied for lack of sufficient information in which to justify a belief therein.

**ANSWER TO PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL
PETITION FOR DAMAGES**

1.

Except as may be otherwise admitted, explained or modified herein, the allegations contained in paragraph I of the amending petition, adding paragraph III(a) to the original petition, are denied.

Further answering, Technology Insurance Company, Inc. is a foreign insurer authorized to do and doing business in the State of Louisiana.

2.

Except as may be otherwise admitted, explained or modified herein, the allegations contained in paragraph II of the amending petition, adding paragraph III(b) to the original petition, are denied.

Further answering, Eugene V. Bargeman is domiciled in the State of Louisiana.

3.

The allegations contained in paragraph III of the amending petition, amending paragraph IV to the original petition, are denied.

4.

The allegations contained in paragraph IV (including all sub-parts) of the amending petition, amending paragraph V to the original petition, are denied.

5.

Except as may be otherwise admitted, explained or modified herein, the allegations contained in paragraph V of the amending petition, amending paragraph VII(a) to the original petition, are denied.

Further answering, at the time of the accident which is the subject matter to this litigation (the "Accident"), Technology Insurance Company, Inc. had in full force and effect policy number TPP1175782-02, with a named insured of Paramount Nissan, LLC, which policy contains many provisions, exclusions, limitations and conditions and is the best evidence of

its contents.

6.

The allegations contained in the first paragraph VI (including all sub-parts) of the amending petition, amending paragraph VIII to the original petition, are vague and ambiguous and should be stricken from the pleadings.

Further answering, the allegations as to William J. Porter, II are admitted. The allegations regarding Eugene V. Bargeman are denied.

7.

The allegations contained in the second paragraph VI of the amending petition do not require an admission or a denial. To the extent one is required, the allegations are denied.

8.

The allegations contained in the prayer (including all sub-parts) of the amending petition do not require an admission or a denial. To the extent one is required, the allegations are denied.

9.

Any other allegations contained in the plaintiff's original and/or amending petition not specifically admitted, is herein denied.

AND NOW, FURTHER ANSWERING THE PLAINTIFFS' PETITION FOR DAMAGES, THESE DEFENDANTS SHOW ALTERNATIVELY AND AFFIRMATIVELY THAT:

1.

These defendants allege that the Accident was proximately caused in whole, or alternatively in part, by the negligence or other legal fault of persons or other entities for whom this defendant is not legally responsible, specifically William J. Porter, Rose Land Development, LLC and/or United Speciality Insurance Company, as pled by plaintiffs in their petitions, which is specifically pled in bar of, or in reduction of, or in mitigation of the damages claimed by the plaintiffs herein.

2.

Alternatively, and only in the event this Court finds that these defendants are legally responsible for the alleged injuries and/or damages claimed by plaintiffs herein, which is specifically denied, if investigation, discovery and/or evidence demonstrate that plaintiffs failed to mitigate his or her damages, these defendants plead failure to mitigate damages

as an affirmative defense, which is specifically pled in bar of, reduction of or in mitigation of the damages claimed by plaintiffs herein.

3.

Alternatively, to the extent plaintiffs' alleged injuries or damages were not caused by or related to the Accident, these defendants plead lack of causation as an affirmative defense, which is specifically pled in bar of, reduction of, or in mitigation of the damages claimed by plaintiffs herein.

4.

Alternatively, to the extent all (or alternatively portions) of plaintiffs' alleged injuries or damages are the result of pre-existing medical conditions, accident(s) and/or injury(ies) that occurred before the Accident, these defendants plead lack of causation as an affirmative defense, which is specifically pled in bar of, reduction of or in mitigation of the damages claimed by plaintiffs herein.

5.

Alternatively, to the extent all (or alternatively portions) of plaintiffs' alleged injuries or damages are the result of medical conditions, accident(s) and/or injury(ies) that occurred after the Accident, these defendants plead lack of causation as an affirmative defense, which is specifically pled in bar of, reduction of or in mitigation of the damages claimed by plaintiffs herein.

JURY TRIAL DEMANDED

These defendants demand a trial by jury to all claims herein.

WHEREFORE these defendants, Eugene V. Bargeman and Technology Insurance Company, Inc., pray that this Answer be deemed good and sufficient and that after due proceedings have been had that judgment be awarded to these defendants and against plaintiffs at their cost and with prejudice.

Respectfully submitted,

FAIRCLOTH MELTON SOBEL AND BASH, LLC.

By: 

Lottie L. Bash (Bar Roll #26186)
Laura Beth Matthews (Bar Roll #33862)
Franklin "Drew" Hoffmann (Bar Roll #35824)
Madaline King (Bar Roll # 38301)
105 Yorktown Drive
Alexandria, Louisiana 71303
Phone: (318) 619-7755
Fax: (318) 619-7744

**ATTORNEYS FOR EUGENE V. BARGEMAN AND
TECHNOLOGY INSURANCE COMPANY, INC.**

~~4/22/19~~
FAIRCLOTH MELTON SOBEL & BASH, LLC

ATTORNEYS

JIMMY R. FAIRCLOTH, JR.^{1,2}

BARBARA BELL MELTON

DAVID R. SOBEL³

LOTTIE L. BASH

BROOK LANDRY VILLA

DREW HOFFMANN

LAURA BETH MATTHEWS

NATE W. FRIEDMAN

MADALINE KING

105 YORKTOWN DRIVE

ALEXANDRIA, LA 71303

PHONE (318) 619-7755

FAX (318) 619-7744

www.fairclothlaw.com

OF COUNSEL

WILSON & WILSON

JENA, LA

¹ LL.M. IN LITIGATION

² ALSO ADMITTED IN GEORGIA

³ ALSO ADMITTED IN TEXAS

FILED

4/2/19

Amie Boue
Deputy Clerk of Court
Calcasieu Parish, Louisiana

April 1, 2019

H. Lynn Jones, II
Calcasieu Parish Clerk of Court
P.O. Box 1030
Lakes Charles, Louisiana 70602-1030

Via Fax: (337) 437-3804

Re: Rosalina Dalal and Christopher Lewis v. United Speciality Insurances
Company, et al
Civil Suit No: 2019-531
14th Judicial District Court, State of Louisiana

D4

Dear Lynn:

Enclosed please find a Dilatory Exception, Motion to Strike, and Answer to Petition for Damages; and a Proposed Order for Jury Trial, which we are filing on behalf of defendants, Eugene V. Bargeman and Technology Insurance Company, Inc, in the above entitled suit.

We ask that you please provide us with certified copies of any order already entered in this matter fixing or scheduling this matter for trial, whether on exceptions, on a rule or on the merits. 6/11/19

We also request that you give us written notice at least ten (10) days in advance of the date fixed for trial of this case, whether on exceptions, on a rule or on the merits. We also request that you send us immediate notice of any order or judgment made or rendered in this case upon the entry of such order or judgment.

A copy of this correspondence is attached which we ask that you please stamp in acknowledgment of receipt and filing of this pleading and return to us.

Our law firm's check in the amount of \$334.00 is included to cover the cost of this

Date 4/12/19 request.
Check # 8602
From Faircloth melton
Amt \$350.00
Recd by Sturdy



C M S 8 4 1 4 4 3 1
Filing Date: 04/12/2019 12:00 AM
Case Number: 2019-000531
Document Name: REQUEST WRITTEN NOTICE

Page Count: 2

FAIRCLOTH MELTON SOBEL & BASH LLC

April 1, 2019

With kind personal regards, I remain

Respectfully yours,

FAIRCLOTH MELTON SOBEL & BASH LLC

By: 

Lottie L. Bash

:amb

Enclosures

cc: Mark A. Delphin
Arthur J. O'Keefe
Delphin Law Offices
626 Broad Street
Lake Charles, Louisiana 70601

ROSALINA AYUYU DALAL AND : 14TH JUDICIAL DISTRICT COURT
CHRISTOPHER T. LEWIS

VS. NO. 2019-531 "D" : PARISH OF CALCASIEU

UNITED SPECIALTY
INSURANCE COMPANY, : STATE OF LOUISIANA
ROSE LAND DEVELOPMENT,
L.L.C. and WILLIAM J. PORTER, II

FILED: 4/16/19 : *Christie Bae*
DEPUTY CLERK OF COURT

EXHIBIT "A"

Delphin Law Offices

A Professional Law Corporation

Mark A. Delphin*

626 Broad Street
Lake Charles, LA 70601

Office: (337) 439-3939
Fax: (337) 439-4504
E-Mail:

*Also admitted in Texas
markdelphin@delphinlaw.com

April 2, 2019

Roseland Development, LLC
Mr. Robert M. Logan
205 East Church Street
Newton, MS 39345

RE: Rosalina A. Dalal, et al v. United Specialty Insurance Company, et al
Docket No: 2019-531, D, 14th JDC

Dear Mr. Logan:

I am pleased to enclose a certified copy of a Petition for Damages filed in the above captioned matter.

You are being served pursuant to LSA-R.S. 13:3201 et seq., the Long Arm Statute, and have thirty (30) days from your receipt hereof to answer said petition.

With best regards, I am

Yours truly,



C M 9 8 4 1 9 4 2 2
Filing Date: 04/16/2019 12:00 AM Page Count: 2
Case Number: 2019-000531
Document Name: FILE EXHIBITS

Mark A. Delphin

MAD/bc

Enclosure

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
7017 2620 0000 2889 0028

ROSALINA AYUYU DALAL AND
CHRISTOPHER T. LEWIS

14TH JUDICIAL DISTRICT COURT

VS. NO. 2019-531 "D"

PARISH OF CALCASIEU

UNITED SPECIALTY
INSURANCE COMPANY,
ROSE LAND DEVELOPMENT,
L.L.C. and WILLIAM J. PORTER, II

STATE OF LOUISIANA

FILED:

4/16/19

Amette Borel
DEPUTY CLERK OF COURT

EXHIBIT "B"

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 3.35

Extra Services & Fees (check box, add fees accordingly)

☐ Return Receipt (hardcopy) \$ 2.15

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$.65

Total Postage and Fees \$ 6.75

Postmark *Amette Borel*

Sent to Roseland Dev

Street and Apt. No., or PO Box No.

City, State, ZIP+4® Newton, MS

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Roseland Dev
Attn: Robert M. Logan
205 East Church St.
Newton, MS 39345

2. Article Number (Transfer from service label)
7017 2620 0000 2889 0028

PS Form 3811, July 2015 PSN 7530-02-000-9063

COMPLETE THIS SECTION ON DELIVERY

A. Signature
Judy Graham

B. Received by (Printed Name)
Judy Graham

C. Date of Delivery
4-5-19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED APR 08 2019

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

CALCASSIEU CLERK OF COURT
APR 16 2019 11:08:45

JDC
AB

ROSALINA AYUYU DALAL AND : 14TH JUDICIAL DISTRICT COURT
CHRISTOPHER T. LEWIS

VS. NO. 2019-531 "D" : PARISH OF CALCASIEU

UNITED SPECIALTY :
INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, : STATE OF LOUISIANA
L.L.C. and WILLIAM J. PORTER, II

FILED: 4/14/19 : *Antette Base*
DEPUTY CLERK OF COURT

P1

STATE OF LOUISIANA :

PARISH OF CALCASIEU :

AFFIDAVIT OF SERVICE

BEFORE ME, the undersigned authority, personally came and appeared BERNICE CHRISTOPHE, 626 Broad Street, Lake Charles, Louisiana, 70601, who after being duly sworn, said that on the 9th day of April, 2019, she served a certified copy of a Plaintiffs' First Amending and Supplemental Petition for Damages under the Louisiana Long Arm Statute, LSA-R.S. 13:3204, by mailing it to ROSELAND DEVELOPMENT LLC, to the registered agent, ROBERT LOGAN by certified mail, return receipt requested, properly addressed and postage prepaid; that appearer received the return receipt on April 8, 2019 which had been signed for on April 5, 2019 by Judy Graham.

SCANNED

MAY - 3 2019

Bernice Christophe

BERNICE CHRISTOPHE
Secretary to MARK A. DELPHIN
Attorney for plaintiffs

SWORN TO AND SUBSCRIBED before me, Notary Public, at Lake Charles, Calcasieu Parish, Louisiana, on this 9th day of April, 2019.

Mark A. Delphin
MARK A. DELPHIN - NOTARY PUBLIC
My Commission Expires at Death

CALCASIEU CV 19K-0051
APR 15 2019 02:11:28:31



Delphin Law Offices

A Professional Law Corporation

Mark A. Delphin*

626 Broad Street
Lake Charles, LA 70601

Office: (337) 439-3939
Fax: (337) 439-4504
E-Mail: markdelphin@delphinlaw.com

*Also admitted in Texas

April 9, 2019

Honorable H. Lynn Jones
Clerk of Court
P.O. Box 1030
Lake Charles, LA 70602

RE: Dalal, et al v United Specialty Ins Co
Docket NO: 2019-531, Div. D


PI

Dear Clerk:

Enclosed herein is one original and one copy of Affidavit of Service on Roseland Development, LLC. Please file into the record and return a time stamped copy in the envelope provided. 4/30/19

With best regards, I am

Yours truly,


Mark A. Delphin

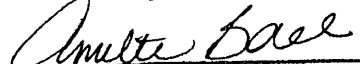
MAD/bc

Enclosure

Dictated; not read

FILED

4/10/19


Deputy Clerk of Court
Calcasieu Parish, Louisiana



C M S 6 4 1 9 4 1 8
Filing Date: 04/16/2019 12:00 AM
Case Number: 2019-000531
Document Name: LETTER

Page Count: 1

CALCASIEU CLERK-COST
APR 16 2019 AM 11:06:24

H. Lynn Jones II

Clerk of Court and Ex-Officio Recorder
 Fourteenth Judicial District of Louisiana
 Parish of Calcasieu
 Lake Charles, Louisiana

Post Office Box 1030
 Lake Charles, Louisiana 70602



Main: 337-437-3550
 Fax: 337-437-3350

STATEMENT

To LOTTIE L BASH
 105 YORKTOWN DRIVE
 ALEXANDRIA, LA 71303

In ROSALINA AYUYU DALAL
 VS.
 UNITED SPECIALTY
 INSURANCE COMPANY

Date: 04/21/2019

Case Number: 2019-000531

STATEMENT	CASE NUMBER	AMOUNT DUE
1323724	2019-000531	\$300.00

DATE	DESCRIPTION	AMOUNT
04/21/2019	Your costs in above entitled numbered matter	\$300.00
	Less Advance Deposit	\$0.00
	Less Refunds	\$0.00
	Balance Due	\$300.00

This statement is for court costs in the above entitled case. This is a debt you owe. Please contact our office 8:30-4:30 Monday – Friday (excluding holidays) at 337-437-3550 to discuss this matter or make payment arrangements. Credit cards accepted VISA, MASTER CARD, and DISCOVER.

Send Remittance Portion with your payment to:
 Calcasieu Parish Clerk of Court P.O. Box 1030 Lake Charles, LA 70602

Statement: 1323724	Case: 2019-000531	Amount Due: \$300.00
Party: TECHNOLOGY INSURANCE COMPANY INC D004	Due Date: 05/21/2019	
Payment _____		
Cash <input type="checkbox"/>	Chec <input type="checkbox"/>	

Contact Billing at 337-437-3550 with any questions regarding your Statement.

Rosalina Ayupya Dalal : 14TH JUDICIAL DISTRICT COURT
et al
VS. NO: 2019-0531 : STATE OF LOUISIANA
United Speciality Lns. : PARISH OF CALCASIEU
Co. et al
FILED: 5/8/19 : Amitee Bove
DEPUTY CLERK OF COURT

ORDER

IT IS ORDERED that at the request of Eugene V. Bergeman
and Technology Insurance Company,
this matter be set for Trial by Jury.

IT IS FURTHER ORDERED that the bond furnished for jury costs shall be in the amount of \$3,600.00 and must be in one of the forms authorized by LCCP Article 5121, et seq., or be a bond executed by a surety company licensed to do business in Louisiana.

IT IS FURTHER ORDERED that the bond for jury costs shall be posted with the clerk of court no later than sixty (60) days prior to trial. Notice of the posting of the bond shall be provided to all other parties and the court by the party posting the bond. If the bond for jury costs is not timely posted, any other party shall have an additional ten (10) days to post the required bond for jury costs. Failure to post the bond for jury costs shall constitute a waiver of a trial by jury.

IT IS FURTHER ORDERED that the clerk of court shall have the right to seek recovery of the funds paid any juror who is called and actually reports for jury service who is paid his compensation, mileage allowance, and other costs upon completion of his duty to attend, from the party or parties cast in judgment, or from the surety on any bond furnished for jury costs, notwithstanding that the judgment may be suspensively appealed or that the bond was furnished by a party not cast in judgment

Lake Charles, Louisiana, this 22 day of April, 2019.

Robert L. Wyatt
ROBERT L. WYATT, District Judge
Division D

SERVICE INSTRUCTIONS TO THE CLERK:

Please mail a copy of this Order to all attorneys/unrepresented parties. ✓



May 07 2019

Notice of HEARING

ROSALINA AYUYU DALAL, ET AL
VS. NO. 2019-0531
UNITED SPECIALTY INS. CO., ET AL

State of Louisiana
14th Judicial District Court
Clerk of Court: H. LYNN JONES

Attorneys:
Mark A. Delphin
Arthur J. O'Keefe
Lottie L. Bash

**Proof at the hearing shall be
limited to verified pleadings
and/or affidavits.**

THE ABOVE CASE HAS BEEN ASSIGNED TO

JUDGE ROBERT L. WYATT

DEFENDANTS, TECHNOLOGY INS. CO. AND E BARGEMAN,
DILATORY EXCEPTION AND MOTION TO STRIKE [FILED: 4/12/19]
HAS BEEN SET FOR
JUNE 11, 2019 AT 9:00AM

The parties are directed to follow Rule 9.9 or 9.10 of the Uniform District Court Rules concerning filing of Memorandum & Affidavit.

ALL CORRESPONDENCE DIRECTED TO THE COURT SHOULD BE EMAILED TO THE COURT
AND INCLUDE THE CASE NUMBER IN THE SUBJECT LINE.
PLEASE NOTIFY THE COURT VIA EMAIL ON OFFICE LETTERHEAD IMMEDIATELY IN THE
EVENT THIS CASE SETTLES

Direct all inquiries to:

Kam Jakubek, Judicial Assistant
John Turner, Law Clerk

kjakubek@14jdc.org
jturner@14jdc.org

SCANNED

MAY - 8 2019



C M S 6 4 3 8 6 2 2
Filing Date: 05/08/2019 12:07 PM
Case Number: 2019-000531
Document Name: EXCEPTION IS

Page Count: 1

H. Lynn Jones II

Clerk of Court and Ex-Officio Recorder
Fourteenth Judicial District of Louisiana
Parish of Calcasieu
Lake Charles, Louisiana

Post Office Box 1030
Lake Charles, Louisiana 70602

Main: 337-437-3550
Fax: 337-437-3350



MARK A DELPHIN
*626 BROAD ST.
LAKE CHARLES, LA 70601-0000

June 12, 2019

ROSALINA AYUYU DALAL
VS. NO: 2019-000531
UNITED SPECIALTY INSURANCE COMPANY

Dear MARK DELPHIN:

We are holding NOTICE OF REMOVAL for a deposit of \$587.26. Your attention is called to portion of R.S. 13:842 which states as follows:

Whenever the costs have exhausted the amount of the original advance deposit, the Clerk may refuse to perform any further function in the proceeding until the additional costs for the function have been paid, in accordance with the fees set forth in R.S. 13:841.

Return the enclosed payment voucher with your payment. Failure to include the payment voucher could further delay processing of your filing.

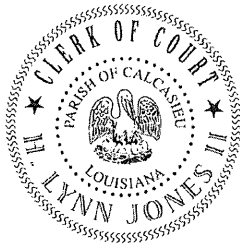
Sincerely,

Sarah Hollier
Deputy Clerk of Court

CC: SARAH HOLLIER
Record

CMS6474517

Filing Date: 06/12/2019 10:47 AM Page Count: 1
Case Number: 2019-000531
Document Name: Cost Letter (Legacy data)



PAYMENT VOUCHER

for filings being held for Cost

Return this voucher with your payment. Failure to include the voucher could further delay processing of your filing.

Addressee
MARK DELPHIN

Docket Number
2019-531

Amount
\$ 58.26

Party Code
P1

For office use

emp	date	pmt type	amt

JDL
ALB

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

ROSALINA AYUYU DALAL, ET AL. : DOCKET NO. 2:19-cv-327

VERSUS : JUDGE DONALD E. WALTER

p1


UNITED SPECIALTY INS. CO., ET AL. : MAGISTRATE JUDGE KAY

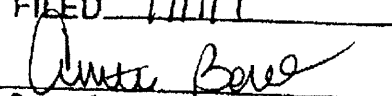
JUDGMENT

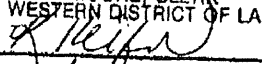
For the reasons stated in the Report and Recommendation [doc. 22] of the Magistrate Judge previously filed herein, determining that the findings are correct under the applicable law, and noting the lack of objections to the Report and Recommendation in the record;

IT IS ORDERED that the Motion to Remand [doc. 11] be GRANTED. This case is REMANDED to the 14th Judicial District Court, Calcasieu Parish, Louisiana. The Clerk of Court is directed to certify a copy of this judgment and forward the same to the Clerk of the 14th Judicial District Court.

THUS DONE AND SIGNED in Chambers this 26th day of June, 2019.


DONALD E. WALTER
UNITED STATES DISTRICT JUDGE

FILED 7/1/19

Deputy Clerk of Court
Calcasieu Parish, Louisiana

ATTEST A TRUE COPY
TONY R. MOORE, CLERK
USDC, WESTERN DISTRICT OF LA
BY 
DATE 6-26-19

CALCASIEU CLERK-COST
JUL 01 2019 AM 09:52:19



Filing Date: 07/01/2019 12:00 AM
Case Number: 2019-000531
Document Name: EXHIBITS

Page Count: 7

CLOSED

**U.S. District Court
Western District of Louisiana (Lake Charles)
CIVIL DOCKET FOR CASE #: 2:19-cv-00327-DEW-KK
Internal Use Only**

Dalal et al v. United Specialty Insurance Co et al
Assigned to: Judge Donald E Walter
Referred to: Magistrate Judge Kathleen Kay
Demand: \$0
Case in other court: 14th JDC (Calcasieu), 19-00531-D
Cause: 28:1332 Diversity-Tort/Motor Vehicle (P.I.)

Date Filed: 03/13/2019
Date Terminated: 06/26/2019
Jury Demand: Both
Nature of Suit: 350 Motor Vehicle
Jurisdiction: Diversity

Plaintiff

Rosalina Ayuyu Dalal

represented by **Mark A Delphin**
626 Broad St
Lake Charles, LA 70601
337-439-3939
Fax: 337-439-4504
Email: markdelphin@delphinlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Arthur J O'Keefe
626 Broad St
Lake Charles, LA 70601
337-439-3939
Fax: 337-439-4504
Email: arthur@delphinlaw.com
ATTORNEY TO BE NOTICED

Plaintiff

Christopher T Lewis

represented by **Mark A Delphin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Arthur J O'Keefe
(See above for address)
ATTORNEY TO BE NOTICED

CALCASIEU CLERK-COST
JUL 01 2019 AM 09:52:33

V.

Defendant

United Specialty Insurance Co

represented by **Jean Ann Billeaud**
Lewis Brisbois et al (LAF)
100 E Vermilion St Ste 300

ATTEST A TRUE COPY
TONY R. MOORE, CLERK
USDC, WESTERN DISTRICT OF LA
BY [Signature]
DATE 6-26-19

Lafayette, LA 70501
337-205-4736
Fax: 337-504-3341
Email: Jean.Billeaud@lewisbrisbois.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Rose Land Development L L C

represented by **Jean Ann Billeaud**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William J Porter, II

represented by **Jean Ann Billeaud**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Eugene V Bargeman

represented by **Lottie L Bash**
Faircloth Melton & Sobel
105 Yorktown Dr
Alexandria, LA 71303
318-619-7755
Fax: 318-619-7744
Email: lbash@fairclothlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Franklin A Hoffmann
Faircloth Melton & Sobel (BR)
9026 Jefferson Hwy Ste 200
Baton Rouge, LA 70809
225-343-9535
Fax: 225-343-9538
Email: dhoffmann@fairclothlaw.com
ATTORNEY TO BE NOTICED

Laura Beth Matthews
Faircloth Melton & Sobel
105 Yorktown Dr
Alexandria, LA 71303
318-619-7755
Fax: 318-619-7744
Email: lmatthews@fairclothlaw.com
ATTORNEY TO BE NOTICED

Madaline Gaile King
Faircloth Melton & Sobel (BR)

9026 Jefferson Hwy Ste 200
 Baton Rouge, LA 70809
 225-343-9535
 Fax: 225-343-9538
 Email: mking@fairclothlaw.com
ATTORNEY TO BE NOTICED

Defendant**Technology Insurance Co Inc**



represented by **Lottie L Bash**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED


Franklin A Hoffmann
 (See above for address)
ATTORNEY TO BE NOTICED

Laura Beth Matthews
 (See above for address)
ATTORNEY TO BE NOTICED

Madaline Gaile King
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/13/2019	<u>1</u>	NOTICE of Removal from 14th JDC, Calcasieu Parish, Case Number 2019-531 with Jury Demand; (Filing fee \$400, receipt number 0536-3898454) filed by united specialty insurance company. (Attachments: # <u>1</u> Civil cover sheet, # <u>2</u> Exhibit) (Attorney Jean Ann Billeaud added to party united specialty insurance company(pty:df))(aty,Billeaud, Jean) (Entered: 03/13/2019), (QC'ed on 03/15/2019, by Thigpen , M)
03/13/2019		STATE COURT Service Returned Executed. United Specialty Insurance Co answer due 3/20/2019. ADMINISTRATIVE ENTRY: (THE PDF IMAGE CAN BE FOUND IN ATTACHMENT #2 OF DOCUMENT <u>1</u> NOTICE OF REMOVAL). (crt,Thigpen, M) (Entered: 03/14/2019), (QC'ed on 03/15/2019, by Thigpen , M)
03/13/2019		CASE Assigned to Judge Terry A Doughty and Magistrate Judge Kathleen Kay. (crt,Thigpen, M) (Entered: 03/14/2019)
03/14/2019	<u>2</u>	NOTICE of Corporate Disclosure Statement Requirement re: <u>1</u> Notice of Removal, sent to Jean Ann Billeaud on behalf of Rose Land Development L L C, United Specialty Insurance Co. Corporate Disclosure Statement due by 3/28/2019. (crt,Thigpen, M) (Entered: 03/14/2019)
03/14/2019	<u>3</u>	PROPOSED REMOVAL ORDER referred to Magistrate Judge Kathleen Kay. (Public entry, but no electronic notice). (crt,Thigpen, M) (Entered: 03/14/2019)

03/14/2019	<u>4</u>	REMOVAL ORDER regarding state court documents, pending motions, registry funds, and admission status of counsel. Signed by Magistrate Judge Kathleen Kay on 3/14/2019. (crt,LaCombe, L) (Entered: 03/14/2019)
03/20/2019	<u>5</u>	ANSWER to Complaint with Jury Demand by William J Porter, II, Rose Land Development L L C, United Specialty Insurance Co.(aty,Billeaud, Jean) (Entered: 03/20/2019), (QC'ed on 03/21/2019, by Bunting , M)
03/20/2019	<u>6</u>	CORPORATE DISCLOSURE STATEMENT by Rose Land Development L L C. (aty,Billeaud, Jean) (Entered: 03/20/2019), (QC'ed on 03/21/2019, by Bunting , M)
03/20/2019	<u>7</u>	CORPORATE DISCLOSURE STATEMENT by United Specialty Insurance Co identifying Corporate Parent STATE NATIONAL INSURANCE COMPANY for United Specialty Insurance Co. (aty,Billeaud, Jean) (Entered: 03/20/2019), (QC'ed on 03/21/2019, by Bunting , M)
03/20/2019		(Court only) ***Corporate Disclosure Deadlines for Rose Land Development L L C and United Specialty Insurance Co terminated. See document #s <u>6</u> and <u>7</u> . (crt,Mitchell, P) (Entered: 03/28/2019)
04/03/2019	<u>8</u>	ORDER: Scheduling Conference set for 5/23/2019 @ 01:30 PM by phone before Magistrate Judge Kathleen Kay. (crt,Benoit, T) (Additional attachment(s) added on 4/26/2019: # <u>1</u> Attachments to scheduling order) (Benoit, T). (Entered: 04/03/2019)
04/03/2019	<u>9</u>	ELECTRONIC MINUTE ENTRY issued by the Clerk: This matter is hereby reassigned to Judge Donald E Walter. Judge Terry A Doughty no longer assigned to case. All future filings should bear the name of the new judge assignment. Approved by Chief Judge S Maurice Hicks, Jr on 4/3/2019. (crt,Whidden, C) (Entered: 04/03/2019)
04/11/2019	<u>10</u>	ANSWER to Complaint and Amending Complain with Jury Demand by Eugene V Bargeman, Technology Insurance Company, Inc.(Attorney Lottie L Bash added to party Eugene V Bargeman(pty:dft), Attorney Lottie L Bash added to party Technology Insurance Company, Inc.(pty:dft))(aty,Bash, Lottie) Modified docket text on 4/12/2019 (Bunting, M). (Entered: 04/11/2019), (QC'ed on 04/12/2019, by Bunting , M)
04/11/2019	<u>11</u>	MOTION to Remand by Rosalina Ayuyu Dalal, Christopher T Lewis. (Attachments: # <u>1</u> Table of Authorities, # <u>2</u> Memorandum / Brief, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(aty,Delphin, Mark) (Entered: 04/11/2019), (QC'ed on 04/12/2019, by Bunting , M)
04/11/2019		(Court only) ***Attorney added: Laura Beth Matthews, Franklin A Hoffmann, Madaline Gaile King for Eugene V Bargeman, Laura Beth Matthews, Franklin A Hoffmann, Madaline Gaile King for Technology Insurance Company, Inc. (crt,Bunting, M) (Entered: 04/12/2019)
04/12/2019	<u>12</u>	NOTICE of Motion Setting regarding: <u>11</u> MOTION to Remand . Motions referred to Magistrate Judge Kathleen Kay. (crt,Bunting, M) (Entered: 04/12/2019)
04/12/2019	<u>13</u>	NOTICE of Corporate Disclosure Statement Requirement re: <u>10</u> Answer to Complaint, sent to Lottie L Bash on behalf of Technology Insurance Company, Inc. Corporate Disclosure Statement due by 4/26/2019. (crt,Bunting, M) (Entered: 04/12/2019)

04/12/2019	<u>14</u>	RESPONSE TO REMOVAL ORDER by William J Porter, II, Rose Land Development L L C, United Specialty Insurance Co. (Attachments: # <u>1</u> Exhibit) (aty,Billeaud, Jean) (Entered: 04/12/2019), (QC'ed on 04/15/2019, by JonesSld , P)
04/12/2019	<u>15</u>	EXHIBIT re: Response to Removal Order filed by William J Porter, II, Rose Land Development L L C, United Specialty Insurance Co. (aty,Billeaud, Jean) Modified on 4/15/2019 to edit text (JonesSld, P). (Entered: 04/12/2019), (QC'ed on 04/15/2019, by JonesSld , P)
04/12/2019		AMENDED COMPLAINT against Eugene V Bargeman, William J Porter, II, Rose Land Development L L C, Technology Insurance Co Inc, United Specialty Insurance Co with Jury Demand filed by Rosalina Ayuyu Dalal, Christopher T Lewis. ADMINISTRATIVE ENTRY: (THE PDF IMAGE CAN BE FOUND IN ATTACHMENT #1 OF DOCUMENT <u>14</u> RESPONSE TO REMOVAL ORDER) (crt,JonesSld, P) (Entered: 04/15/2019)
04/23/2019	<u>16</u>	ANSWER to Amended Complaint, with Jury Demand by William J Porter, II, Rose Land Development L L C, United Specialty Insurance Co.(aty,Billeaud, Jean) (Entered: 04/23/2019), (QC'ed on 04/24/2019, by Bunting , M)
04/26/2019	<u>17</u>	CORPORATE DISCLOSURE STATEMENT by Technology Insurance Co Inc identifying Corporate Parent AmTrust Financial Services Inc for Technology Insurance Co Inc. (aty,Bash, Lottie) (Entered: 04/26/2019), (QC'ed on 04/26/2019, by Putch , A)
04/26/2019		(Court only) ***Corporate Disclosure Deadline for Technology Insurance Co Inc terminated. (crt,Putch, A) (Entered: 04/26/2019)
05/02/2019	<u>18</u>	MEMORANDUM in Opposition re <u>11</u> MOTION to Remand filed by William J Porter, II, Rose Land Development L L C, United Specialty Insurance Co. (aty,Billeaud, Jean) (Entered: 05/02/2019), (QC'ed on 05/03/2019, by Bunting , M)
05/11/2019	<u>19</u>	REPLY to Response to Motion re <u>11</u> MOTION to Remand filed by Rosalina Ayuyu Dalal, Christopher T Lewis. (Attachments: # <u>1</u> Table of Authorities)(aty,Delphin, Mark) (Entered: 05/11/2019), (QC'ed on 05/13/2019, by Bunting , M)
05/16/2019	<u>20</u>	RULE 26(f) Report by Rosalina Ayuyu Dalal, Christopher T Lewis, Eugene V Bargeman, Technology Insurance Company, Inc, William J Porter, II, Rose Land Development L L C, United Specialty Insurance Co. (aty,Delphin, Mark) Modified filers on 5/16/2019 (Bunting, M). (Entered: 05/16/2019), (QC'ed on 05/16/2019, by Bunting , M)
05/21/2019	<u>21</u>	ELECTRONIC ORDER. Given the pendency of the <u>11</u> MOTION to Remand filed by Christopher T Lewis, Rosalina Ayuyu Dalal, the Scheduling Conference currently set for 5/23/2019 at 01:30 PM is TERMINATED and a new Scheduling Conference is set for 9/5/2019 at 11:00 AM by telephone before Magistrate Judge Kathleen Kay to be held in the event the motion is denied and that action is confirmed by the district court. Signed by Magistrate Judge Kathleen Kay on 5/21/2019. (jud,Kay, Kathleen) (Entered: 05/21/2019), (QC'ed on 05/22/2019, by JonesSld , P)
06/10/2019	<u>22</u>	REPORT AND RECOMMENDATIONS re <u>11</u> MOTION to Remand filed by Christopher T Lewis, Rosalina Ayuyu Dalal. IT IS RECOMMENDED the Motion to Remand [doc. 11] is GRANTED. Objections to R&R due by 6/24/2019. Signed by Magistrate Judge Kathleen Kay on 6/10/2019. (crt,LaCombe, L) (Entered: 06/10/2019)

		06/11/2019)
06/26/2019	<u>23</u>	JUDGMENT adopting <u>22</u> Report and Recommendations; granting <u>11</u> Motion to Remand. This case is remanded to the 14th Judicial District Court, Calcasieu Parish, Louisiana. Signed by Judge Donald E Walter on 6/26/2019. (crt,Keifer, K) (Entered: 06/26/2019)
06/26/2019	<u>24</u>	NOTICE of Remand to Clerk of 14th Judicial District Court for Calcasieu Parish. (crt,Keifer, K) (Entered: 06/26/2019)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
OFFICE OF THE CLERK

JDC
AB

June 26, 2019

H Lynn Jones, II, Clerk of Court
14th Judicial District Court
Calcasieu Parish
P O Box 1030
Lake Charles, LA 70602

SCANNED
JUL 23 2019

FILED 7/1/19
Amute Bore
Deputy Clerk of Court
Calcasieu Parish, Louisiana

PI

In re: Civil Action No. 2:19-cv-00327-DEW-KK
DALAL ET AL V. UNITED SPECIALTY INSURANCE CO ET AL
Your Case No. 2019-00531-D

Dear Clerk:

Please be advised that the above captioned matter has been remanded to your Court. We enclose herewith a certified copy of our docket sheet and the Judgment or Order to Remand.

The official court record for the Western District of Louisiana is the electronic case filing system, CM/ECF. Our website is: <http://ecf.lawd.uscourts.gov>; counsel may access this database to obtain any pleadings you require.

Please acknowledge receipt on the enclosed copy of this letter.

ATTORNEYS ARE ADVISED THAT ALL FUTURE FILINGS SHOULD BE DIRECTED TO THE RECEIVING COURT NAMED ABOVE.

For questions regarding this document or transmission, please call our CM/ECF help desk at 1-866-323-1101.

THUS DONE June 26, 2019.

TONY R. MOORE
CLERK OF COURT

K Keifer
DEPUTY CLERK OF COURT



Filing Date: 07/01/2019 12:00 AM
Case Number: 2019-000531
Document Name: LETTER

Page Count: 1

CALCASIEU CLERK-COST
JUL 01 2019 AM09:51:50

9/10

FAIRCLOTH MELTON SOBEL & BASH, LLC

ATTORNEYS

JIMMY R. FAIRCLOTH, JR.^{1,2}
BARBARA BELL MELTON
DAVID R. SOBEL³
LOTTIE L. BASH
BROOK LANDRY VILLA
DREW HOFFMANN
LAURA BETH MATTHEWS
NATE W. FRIEDMAN
MADALINE KING
MARY KATHERINE PRICE

105 YORKTOWN DRIVE
ALEXANDRIA, LA 71303
PHONE (225) 343-9535
FAX (225) 343-9538

www.fairclothlaw.com

OF COUNSEL
WILSON & WILSON
JENA, LA

¹LL.M. IN LITIGATION
²ALSO ADMITTED IN GEORGIA
³ALSO ADMITTED IN TEXAS

July 10, 2019

Hon. H. Lynn Jones, II
Calcasieu Parish Clerk of Court
1000 Ryan Street
Lakes Charles, Louisiana 70601

FILED

7/16/19
7-17-19
"D"
Madeline King
Deputy Clerk of Court
Calcasieu Parish, Louisiana

Re: Rosalina Ayuyu Dalal, et al. v. United Specialty Insurance Company, et al
Civil Suit No: 2019-531
14th Judicial District Court, State of Louisiana

Dear Clerk:

Please find enclosed a Motion and Order to Reset Hearing. Please present the Order to the judge for signature and serve according to the instructions on the Order. Please also return a copy of the signed Order in the enclosed self-addressed stamped envelope. Per your staff, there is enough money in the suit to cover the costs associated with this filing.

Sincerely,

FAIRCLOTH MELTON SOBEL & BASH, LLC

By: *Madalin King*
Madaline King
mking@fairclothlaw.com

MK/rb

Enclosure

cc: Mark A. Delphin
Arthur J. O'Keefe
Delphin Law Offices
626 Broad Street
Lake Charles, Louisiana 70601

CALCASIEU CLERK-COURT
JUL 13 2019 4:12:26 PM



C N S 8 5 1 2 3 9 2
Filing Date: 07/16/2019 4:14 PM Page: Court: 1
Case Number: 2019-531
Document Name: LETTER

CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS

14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALTY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, IISTATE OF LOUISIANA
Calcasieu Parish, LouisianaSCANNED
AUG 15 2019

FILED

Deputy Clerk of Court

Calcasieu Parish, Louisiana

MOTION AND ORDER TO RESET HEARING

NOW INTO COURT come Defendants, Eugene V. Bargeman and Technology Insurance Company, Inc., through undersigned counsel, who move this Honorable Court to reset the hearing on the Defendants' Dilatory Exception and Motion to Strike previously set for June 11, 2019 at 9:00 a.m. Defendants aver that the case had been removed at the time the hearing was set.

Considering the foregoing,

IT IS HEREBY ORDERED that the hearing on the Dilatory Exception and Motion to Strike by Eugene V. Bargeman and Technology Insurance Company, Inc. be reset and heard before this Court on the 10 day of September, 2019 at 9:00 A. m.

THUS DONE AND SIGNED at Calcasieu Parish, Louisiana, this 17 day of July, 2019.


 JUDGE ROBERT L. WYATT
 14TH JUDICIAL DISTRICT COURT
PLEASE SERVE AT LEAST 15 DAYS PRIOR TO THE HEARING:

Plaintiffs, Rosalina Ayuyu Dalal and Christopher Lewis,
through their counsel of record,
 Mark A. Delphin
 Arthur J. O'Keefe
 Delphin Law Offices
 626 Broad Street
 Lake Charles, Louisiana 70601

 CALCASIEU CLERK OF COURT
 JUL 13 2019 PM 12:00:00

Respectfully submitted,

FAIRCLOTH MELTON SOBEL & BASH, LLC

By: Madalin King
 Lottie L. Bash (#26186)
lbash@fairclothlaw.com
 Laura Beth Matthews (#33862)
lmattews@fairclothlaw.com
 105 Yorktown Drive
 Alexandria, Louisiana 71303



Phone: (318) 619-7755

Fax: (318) 619-7744

Franklin "Drew" Hoffmann (#35824)

dhoffmann@fairclothlaw.com

Madaline King (#38301)

mking@fairclothlaw.com

9026 Jefferson Highway, Ste. 200

Baton Rouge, LA 70809

Phone: (225) 343-9535

Fax: (225) 343-9538

**ATTORNEYS FOR EUGENE V. BARGEMAN and
TECHNOLOGY INSURANCE COMPANY, INC.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has been sent to all known
counsel of record via U.S. mail, postage paid:

Mark A. Delphin
Arthur J. O'Keefe
Delphin Law Offices
626 Broad Street
Lake Charles, Louisiana 70601

Jean Ann Billeaud
Lewis Brisbois Bisgaard & Smith, LLP
100 East Vermilion Street, Suite 300
Lafayette, Louisiana 70501

Baton Rouge, Louisiana, this ____ day of July, 2019.


OF COUNSEL

CLERK OF COURT
JUL 15 2019 PM12:20:15

August 11, 2019

Notice of HEARING

ROSALINA AYUYU DALAL, ET AL
VS. NO. 2019-0531
UNITED SPECIALTY INS. CO., ET AL

State of Louisiana
14th Judicial District Court
Clerk of Court: H. LYNN JONES

Attorneys:

Mark A. Delphin
Jean Ann Billeaud
Arthur J. O'Keefe
Lottie L. Bash

THE ABOVE CASE HAS BEEN ASSIGNED TO

JUDGE ROBERT L. WYATT

*Proof at the hearing shall be
limited to verified pleadings
and/or affidavits.*

DEFENDANTS, TECHNOLOGY INS. CO. AND E BARGEMAN,
DILATORY EXCEPTION AND MOTION TO STRIKE [FILED: 4/12/19]
HAS BEEN RESET FOR
SEPTEMBER 10, 2019 AT 9:00AM

The parties are directed to follow Rule 9.9 or 9.10 of the Uniform District Court Rules concerning filing of Memorandum & Affidavit.

ALL CORRESPONDENCE DIRECTED TO THE COURT SHOULD BE EMAILED TO THE COURT
AND INCLUDE THE CASE NUMBER IN THE SUBJECT LINE.
PLEASE NOTIFY THE COURT VIA EMAIL ON OFFICE LETTERHEAD IMMEDIATELY IN THE
EVENT THIS CASE SETTLES

Direct all inquiries to:

Kam Jakubek, Judicial Assistant
John Turner, Law Clerk

kjakubek@14jdc.org
jturner@14jdc.org

SCANNED

AUG 20 2019



Filing Date: 08/12/2019 12:00 AM
Case Number: 2019-000531
Document Name: EXCEPTIONS
Page Count: 1

Notice of Service

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

TO: LOTTIE L BASH
105 YORKTOWN DRIVE
ALEXANDRIA, LA 71303

Service issued to: PLTF-ROSALINA AYUYU DALAL, ET AL THRU COUNSEL

Date of Service: 08/16/2019

Number of Service: 1

Personal/Domiciliary: PERSONAL SERVICE

Pleading served: 2004 You are Hereby Notified - Civil

Issued by the Clerk of Court on the 21st day of August 2019.

Brianna Arabie
Brianna Arabie
Deputy Clerk

CMS6562914

Filing Date: 08/13/2019 12:00 AM
Case Number: 2019-000531
Document Name: Notice of Service

Page Count: 1

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

You Are Hereby Notified - Civil



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSALINA AYUYU DALAL

AND CHRISTOPHER LEWIS,
THROUGH THEIR COUNSEL OF
RECORD, MARK A.
DELPHIN/ARTHUR J. O'KEEFE-
DELPHIN LAW OFFICES
626 BROAD ST.
LAKE CHARLES, LA 70601

FILED AUG 21 2019
Bernice Delphin
Deputy Clerk of Court
Calcasieu Parish, Louisiana

YOU ARE HEREBY NOTIFIED:

IT IS HEREBY ORDERED THAT THE HEARING ON THE DILATORY EXCEPTION AND MOTION TO STRIKE BY EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC. BE RESET AND HEARD BEFORE THIS COURT ON THE 10TH DAY OF SEPTEMBER, 2019 AT 9:00 A.M.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF "MOTION AND ORDER TO RESET HEARING" ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judge of said Court, at Lake Charles, Louisiana, this 16TH day of JULY, 2019.

Issued and delivered August 13, 2019

Annette Borel
Annette Borel
Deputy Clerk of Court

SERVICE INFORMATION

Received on the 16 day of 8 2019 and on the 16 day of 8 2019, served the above named party as follows:

PERSONAL SERVICE on the party herein named Bernice Delphin

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED: _____
PARISH OF CAL this 16 day of 8 2019
BY: *Christopher Cormier*
Deputy Sheriff

SERVICE \$ _____

MILEAGE \$ _____

TOTAL \$ 31.06

Party No. D004

SCANNED
AUG 22 2019



CMS6546143
Filing Date: 08/13/2019 08:58 AM Page Count: 1
Case Number: 2019-000531
Document Name: You are Hereby Notified - Civil

You Are Hereby Notified - Civil

ROSALINA AYUYU DALAL
 VS. 2019-000531
 UNITED SPECIALTY INSURANCE
 COMPANY



14th Judicial District Court
 State of Louisiana
 Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSALINA AYUYU DALAL

AND CHRISTOPHER LEWIS,
 THROUGH THEIR COUNSEL OF
 RECORD, MARK A.
 DELPHIN/ARTHUR J. O'KEEFE-
 DELPHIN LAW OFFICES
 626 BROAD ST.
 LAKE CHARLES, LA 70601

YOU ARE HEREBY NOTIFIED:

IT IS HEREBY ORDERED THAT THE HEARING ON THE DILATORY EXCEPTION AND MOTION TO STRIKE BY EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC. BE RESET AND HEARD BEFORE THIS COURT ON THE 10TH DAY OF SEPTEMBER, 2019 AT 9:00 A.M.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF "MOTION AND ORDER TO RESET HEARING" ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judge of said Court, at Lake Charles, Louisiana, this 16TH day of JULY, 2019.

Issued and delivered August 13, 2019

 Annette Borel
 Deputy Clerk of Court

 SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
 Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. D004

CMS6546143

Filing Date: 08/13/2019 08:58 AM Page Count: 1
 Case Number: 2019-000531
 Document Name: You Are Hereby Notified - Civil

You Are Hereby Notified - Civil

ROSALINA AYUYU DALAL
 VS. 2019-000531
 UNITED SPECIALTY INSURANCE
 COMPANY



14th Judicial District Court
 State of Louisiana
 Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSALINA AYUYU DALAL

AND CHRISTOPHER LEWIS,
 THROUGH THEIR COUNSEL OF
 RECORD, MARK A.
 DELPHIN/ARTHUR J. O'KEEFE-
 DELPHIN LAW OFFICES
 626 BROAD ST.
 LAKE CHARLES, LA 70601

YOU ARE HEREBY NOTIFIED:

IT IS HEREBY ORDERED THAT THE HEARING ON THE DILATORY EXCEPTION AND MOTION
 TO STRIKE BY EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC. BE
 RESET AND HEARD BEFORE THIS COURT ON THE 10TH DAY OF SEPTEMBER, 2019 AT 9:00 A.M.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF "MOTION AND ORDER TO RESET HEARING"
 ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judge of said Court, at Lake Charles, Louisiana, this 16TH day of JULY, 2019.

Issued and delivered August 13, 2019

 Annette Borel
 Deputy Clerk of Court

 SERVICE INFORMATION

Received on the ____ day of _____, 20____, and on the ____ day of _____, 20____, served the
 above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile
 in the parish in the hands of _____, a person apparently over the age of seventeen years, living
 and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said
 person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this ____ day of _____, 20____

SERVICE \$ _____

BY: _____
 Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. D004

CMS6546143

Filing Date: 08/13/2019 08:58 AM Page Count: 1
 Case Number: 2019-000531
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You Are Hereby Notified - Civil

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSALINA AYUYU DALAL

AND CHRISTOPHER LEWIS,
THROUGH THEIR COUNSEL OF
RECORD, MARK A.
DELPHIN/ARTHUR J. O'KEEFE-
DELPHIN LAW OFFICES
626 BROAD ST.
LAKE CHARLES, LA 70601

YOU ARE HEREBY NOTIFIED:

IT IS HEREBY ORDERED THAT THE HEARING ON THE DILATORY EXCEPTION AND MOTION TO STRIKE BY EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC. BE RESET AND HEARD BEFORE THIS COURT ON THE 10TH DAY OF SEPTEMBER, 2019 AT 9:00 A.M.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF "MOTION AND ORDER TO RESET HEARING" ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judge of said Court, at Lake Charles, Louisiana, this 16TH day of JULY, 2019.

Issued and delivered August 13, 2019

Annette Borel
Deputy Clerk of Court

SERVICE INFORMATION

Received on the ____ day of _____, 20____, and on the ____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this ____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. D004

CMS6546143

Filing Date: 08/13/2019 08:58 AM Page Count: 1
Case Number: 2019-000531
Document Name: You are Hereby Notified - Civil

ROSALINA AYUYU DALAL AND
CHRISTOPHER T. LEWIS

16TH JUDICIAL DISTRICT COURT

VS. NO.

PARISH OF CALCASIEU

UNITED SPECIALTY
INSURANCE COMPANY,
ROSE LAND DEVELOPMENT,
LLC, and WILLIAM J. PORTER, II

STATE OF LOUISIANA

FILED:

DEPUTY CLERK OF COURT

Kristen Lewis

PETITION FOR DAMAGES

The petition of ROSALINA AYUYU DALAL and CHRISTOPHER T. LEWIS, persons of the full age of majority, domiciled and residing in the Parish of Calcasieu, State of Louisiana, with respect represents that: the below allegations are made upon information and belief (unless the context indicates otherwise), are set out in the following non-exclusive particulars which, if inconsistent, are pled in the alternative, and petitioners do hereby plead the doctrine of strict liability, res ipsa loquitor, negligence, last clear chance, and all other theories of recovery as appropriate under the circumstances, including any aggravation of a pre-existing condition.

I.

Made defendant herein is UNITED SPECIALTY INSURANCE COMPANY, a corporation, limited liability company and/or other legal entity, authorized to do and doing business in the State of Louisiana, which may be served through the Louisiana Secretary of State, 8585 Archives Blvd., Baton Rouge, Louisiana 70809.

II.

Made defendant herein is ROSE LAND DEVELOPMENT, L.L.C., a corporation, duly authorized to and doing business in the State of Louisiana, which may be served via Long Arm Statute through its registered agent for the service of legal process, Robert M. Logan, 205 E. Church Street, Newton, MS 39345.

III.

Made defendant herein is WILLIAM J. PORTER, II, a person of the full age of majority, domiciled and residing in the City of Hickory, in the State of Mississippi, who may be served via Long Arm Statute at 3201 Albo Stamper Road, Conehatta, MS 39057.

IV.



This is a civil action to recover all damages sustained by your petitioners for personal injuries and other losses and damages against the above named defendants, UNITED SPECIALTY INSURANCE COMPANY, ROSE LAND DEVELOPMENT, L.L.C. and WILLIAM J. PORTER, II (sometimes hereinafter referred to collectively as "defendants"), each of whom are liable jointly, severally and *in solido* unto your petitioners in a sum of damages as is reasonable in the premises, together with legal interest thereon from and after the date of judicial demand, until paid, for all costs of these proceedings, and for all general and equitable relief, for the following, to-wit:

V.

On or about February 28, 2018, petitioner Rosalina Ayuyu Dalal was driving her 2016 Kia Forte northbound on Nelson Road in the City of Lake Charles, Louisiana. Petitioner Christopher T. Lewis was guest passenger in Ms. Dalal's car. As a result of traffic congestion, Ms. Dalal was required to—and did, bring her car safely to a complete stop. Eugene Bargeman was driving a 2018 Nissan Murano behind the Ms. Dalal. After Ms. Dalal came to a complete stop, Mr. Bargemen similarly brought his vehicle safely to a complete stop. Defendant, William J. Porter, II was operating a 2000 Peterbilt 379 truck hauling a 2018 FO trailer behind Mr. Bargemen. Although Mr. Bargeman slowed and brought his vehicle safely to a complete stop, Mr. Porter did not slow appropriately and did not stop. Instead, William J. Porter, II rammed his Peterbilt truck into the rear of the stopped Bargeman vehicle causing the Bargeman vehicle to be propelled into the rear of the Ms. Dalal's vehicle. As a result this collision, petitioners, Rosalina Ayuyu Dalal and Christopher T. Lewis, suffered personal injuries and other damages.

VI.

At the time of the collision identified in paragraph V. above, defendant William J. Porter, II, was operating the 2000 Peterbilt 379 truck with the knowledge, consent and permission of, and in the course and scope of his employment with, defendant, Rose Land Development, L.L.C. Rose Land Development, L.L.C. is vicariously responsible for the negligence of defendant, William J. Porter, II, under the Louisiana Civil Code and the legal doctrine of *respondent superior*.

VII.

At all material times herein, there existed a contract and/or contracts of insurance between William J. Porter, II and United Specialty Insurance Company and/or a contract and/or contracts of insurance between Rose Land Development, L.L.C. and United Specialty Insurance Company

and/or another contract or contracts, the provisions of which make defendant, United Specialty Insurance Company liable for damages, losses, injuries and expenses suffered by the Rosalina Ayayu Dalal and Christopher T. Lewis and made the basis of this lawsuit.

VIII

The sole and proximate cause of the rear end collision made the basis of this suit was the individual and/or joint and/or concurrent negligence and/or fault and/or want of care and/or strict liability of defendants, William J. Porter, II. Defendant's negligence, fault, want of care and strict liability are imputed to defendant's employer, and Rose Land Development, L.L.C., and to the insurance carrier, United Specialty Insurance Company. Defendant's tortious conduct consists of one or more of the following acts and/or omissions which are illustrative and not exclusive and which, if inconsistent, are pled in the alternative:

- a. He rear ended a vehicle ahead
- b. He failed to pay attention to traffic ahead and/or keep a good and proper lookout;
- c. He failed maintain control over his truck;
- d. He was following too closely;
- e. He was driving in a careless manner;
- f. He failed to slow and/or apply his brakes in time;
- g. He was traveling too fast under the circumstances;
- h. He failed to see what he should have seen or do what he should have done;
- i. He failed to act like a reasonably prudent person under the circumstances;
- j. He failed to avoid an automobile collision;
- k. Any and all other acts and/or omissions constituting negligence and/or fault and/or want of care and/or strict liability which are proven at the time of trial.

All of which said acts and omissions are in direct violation of the traffic laws and ordinances of the City of Lake Charles, the Parish of Calcasieu and the State of Louisiana, which said laws, ordinances and statutes are pled herein as if copied *in extenso*.

XI.

Petitioner, Rosalina Ayayu Dalal, alleges that the full extent of her injuries are unknown at this time and that as a result of the above described collision and defendants' negligence and/or fault and/or want of care and/or strict liability, Rosalina Ayayu Dalal suffered, is suffering and will

continue to suffer from pain in her head, neck and back and other parts of her mind and body, all of which injuries have necessitated petitioner to undergo medical treatment. Furthermore, by reason of the said injuries, Rosalina Ayuyu Dalal suffered and will continue to suffer physical and mental pain and anguish and has incurred and will continue to incur expenses and bills for medical attention including, but not limited to hospital bill, medical clinic bills, physician bills, fees for diagnostic testing, expenses for transportation to and from physicians' offices and other medical facilities, and other medical and medically related expenses. Petitioner has also suffered and will continue to suffer a loss of earning capacity, a loss of the ability to be painfully employed, disability, a loss of the capacity to enjoy life and past, present and future mental and psychological pain and anguish. Petitioner is entitled to recover a sum of damages as is just and reasonable in the premises.

X.

Petitioner, Christopher T. Lewis, alleges that the full extent of his injuries are unknown at this time, and, that as a result of the above described collision and defendant's negligence and/or fault and/or want of care and/or strict liability, petitioner suffered, is suffering and will continue to suffer from pain in his head, cervical, lumbar, left hip and right foot and other parts of his mind and body, all of which injuries have necessitated petitioner to undergo medical treatment. Furthermore, by reason of the said injuries, Christopher T. Lewis has suffered and will continue to suffer physical and mental pain and anguish and has incurred and will continue to incur expenses and bills for medical attention including, but not limited to hospital charges, surgery expenses, medical clinic bills, physician bills, fees for diagnostic testing, expenses for transportation to and from physicians' offices and medical facilities and other medical and medically related expenses. Petitioner has also suffered a loss of earning capacity, a loss of the ability to be gainfully employed, disability, a loss of the capacity to enjoy life and past, present and future mental and psychological pain and anguish. Petitioner is entitled to recover a sum of damages as is just and reasonable in the premises.

XI.

In addition to her the general and special damages associated with her personal injuries, Rosalina Ayuyu Dalal also incurred property damages to her 2016 Kia Forte. These damages include the costs and expenses associated with repairing the collision damages or the total retail value of 2016 Kia Forte along with sales tax, license and title, interest petitioner paid on the

financing from the collision to date; a loss of use and depreciation of the said vehicle, travel and other expenses; and, such other collision damages as are just and proper.

XII.

Petitioners allege upon information and belief that it will be necessary to present expert testimony during the preparation for and during the trial on the merits of this case and as such, desire that all such expert witness fees and deposition costs be taxed as court costs and assessed against the said defendants.

XIII.

At this time, it appears that the amount in dispute in each of the petitioners' claims entitles each petitioner to a jury trial. Petitioners reserve their right to amend this petition as required.

XIV.

Due to petitioner's poor financial condition and want of means, petitioner Rosalina Ayuyu Dalal is unable to pay the costs of this suit in advance, as the costs accrue or to furnish security therefore; accordingly, petitioners desire and are entitled to prosecute this matter *in forma pauperis*.

XV.

Due to petitioner's poor financial condition and want of means, petitioner Christopher T. Lewis is unable to pay the costs of this suit in advance, as the costs accrue or to furnish security therefore; accordingly, petitioners desire and are entitled to prosecute this matter *in forma pauperis*.

WHEREFORE, petitioners, Rosalina Ayuyu Dalal and Christopher T. Lewis, pray that:

- 1) Defendants United Specialty Insurance Company, Rose Land Development, L.L.C. and William J. Porter, II be duly served with a copy of this Petition for Damages and cited to appear herein and answer same;
- 2) After the lapse of all legal delays and due proceedings had, there be judgment herein in favor of petitioners Rosalina Ayuyu Dalal and Christopher T. Lewis against defendants United Specialty Insurance Company, Rose Land Development, L.L.C. and William J. Porter, II, jointly, severally and *in solido* in an amount of damages as is just and reasonable in the premises, together with legal interest from and after the date of judicial demand, until paid, and for all costs of these proceedings and for all expert witness fees;
- 3) Petitioner Rosalina Ayuyu Dalal be allowed to prosecute this matter *in forma pauperis*,

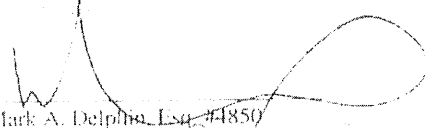
4. Petitioner Christopher T. Lewis be allowed to prosecute this matter *in forma pauperis* and

5. For all general and equitable relief

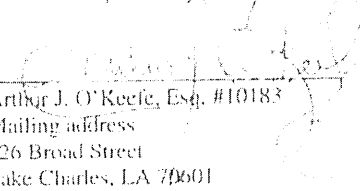
By their attorney,

DELPHIN LAW OFFICES,
A PROFESSIONAL LAW CORPORATION
626 Broad Street
Lake Charles, LA 70601
(337) 439-3939 Telephone
(337) 439-4504 Facsimile

BY:


Mark A. Delphin, Esq. #4850

And:


Arthur J. O'Keefe, Esq. #10183
Mailing address
626 Broad Street
Lake Charles, LA 70601
(337) 309-6122 - Telephone
(337) 439-4504 - Facsimile
Of Counsel to Delphin Law Offices

PLEASE SERVE:

UNITED SPECIALTY INSURANCE COMPANY
Through the Louisiana Secretary of State
8885 Archives Blvd.
Baton Rouge, Louisiana 70809

ROSE LAND DEVELOPMENT, L.L.C.
Via Long Arm Statute
through its registered agent for the service of legal process
Robert M. Logan
205 E. Church Street
Newton, MS 39045

WILLIAM J. PORTER
Via Long Arm Statute
3201 Albo Stamper Road
Couchman, MS 39057

ROSALINA AYUYO DALMA AND
CHRISTOPHER T. LEWIS

THE JUDICIAL DISTRICT COURT

VS. "OCEANVIEW"

PARISH OF CALCASIEU

UNITED SPECIALTY
POSTAL CL. COMPANY
POSTAL DEVELOPMENT
FUNDING WILLIAM F. PORTER, II

STATE OF LOUISIANA

FILED

DEPUTY CLERK OF COURT

PLAINTIFFS' FIRST AMENDING AND SUPPLEMENTAL
PETITION FOR DAMAGES

The first Amending and Supplemental Petition for Damages of plaintiffs, Rosalina Ayuyo Dalm and Christopher T. Lewis, with respect represents that

I

Plaintiffs amend and supplement their original petition by adding Paragraph III(a) to read as follows:

"III(a)

"That defendant herein is Technology Insurance Company, Inc., a corporation, limited liability company, and/or other legal entity, authorized to do and deny business in the State of Louisiana, which may be served through the Louisiana Secretary of State, 8585 Archives Blvd., Baton Rouge, Louisiana 70809."

II

Plaintiffs amend and supplement their original petition by adding Paragraph III(b) to read as follows:

"III(b)

"That defendant herein is Eugene A. Hargeman, a person of the full age of majority, domiciled and residing in the City of Lake Charles, State of Louisiana, who may be served at 2017 9th Street Lake Charles, Louisiana 70601."

III

Plaintiffs amend Paragraph IV of plaintiffs' original Petition for Damages to read as follows:

1

“IV

It is a civil action to recover all damages sustained by your petitioners for personal injuries and other losses and damages against the above named defendants, United Specialty Insurance Company, Rose Land Development, L.L.C., William J. Porter, II, Technology Insurance Company, Inc. and Eugene V. Bargeman, (sometimes hereinafter referred to collectively as “defendants”) each of whom are liable jointly, severally and *in solidum* unto your petitioners in a sum of damages as is reasonable in the premises, together with legal interest thereon from and after the date of pretrial demand, until paid, for all costs of these proceedings, and for all general and equitable relief, for the following to-wit:

IV

Plaintiffs amend and supplement paragraph V of plaintiff's original petition to read as follows:

“V

On or about February 28, 2018, petitioner Rosalinda Ayuyu Dalal was driving her 2016 Kia Forte northbound on Nelson Road in the City of Lake Charles, Louisiana. Petitioner, Christopher T. Lewis, was guest passenger in Ms. Dalal's car. As a result of traffic congestion, Ms. Dalal was required to, and did, bring her car safely to a complete stop. Upon petitioners' belief, Eugene V. Bargeman was driving a 2018 Nissan Murano behind Ms. Dalal. After Ms. Dalal came to a complete stop, it is believed that Mr. Bargeman similarly brought his vehicle to a complete stop. At the same time, Defendant, William J. Porter II, was driving behind Mr. Bargeman. Mr. Porter was operating a 2000 Peterbilt 379 truck hauling a 2018 EGO trailer. Although Mr. Bargeman slowed his vehicle in preparation to bring his vehicle to a complete stop, Mr. Porter did not slow appropriately and did not stop. Instead, William J. Porter, II rammed his Peterbilt truck into the rear of the Bargeman vehicle causing the Bargeman vehicle to be propelled into the rear of the Ms. Dalal's vehicle.

On petitioners' belief, that defendants, William J. Porter, II and/or Rose Land Development, L.L.C. and/or United Specialty Insurance Company, may have information different from and/or in addition to that possessed by plaintiffs such that defendants may allege fault against Mr. Eugene V. Bargeman in causing the February 28, 2018 collision. Plaintiffs therefore make the following alternative allegations: Mr. Bargeman was a joint and/or concurrent cause of the

January 18, 2018 collision and was negligent and/or at fault in that he was following too closely and/or he failed to give a proper signal to a following vehicle and/or he came to an abrupt stop.

As a result of this collision, plaintiffs, Rosalima Ayayo Dalal and Christopher T. Lewis, suffered personal injuries and other damages.”

V.

Plaintiffs amend and supplement their original petition by adding Paragraph VII(a) to read as follows:

“VII(a)

At the time of the collision referred to in paragraph V of the Petition for Damages as amended, there existed a policy or policies of insurance which provided automobile liability insurance coverage for defendant Eugene V. Bargeman and/or the vehicle he was driving and this coverage was for the benefit of plaintiffs, Rosalima Ayayo and Christopher T. Lewis. Additionally, and/or alternatively, there existed another policy or policies of insurance, the provisions of which make Technology Insurance Company, Inc. liable for damages, losses, injuries and expenses suffered by the plaintiffs and made the basis of this lawsuit.”

VI.

Plaintiffs amend and supplement Paragraph VII of their original petition to read as follows:

“VII.

The sole and proximate cause of the rear end collision made the basis of this suit was the individual and/or joint and/or concurrent negligence and/or fault and/or want of care and/or strict liability of defendants, William J. Porter, II and Eugene V. Bargeman. Mr. Porter's negligence, fault, want of care and/or strict liability is imputed to Rose Land Development, L.L.C. and to the insurance carrier United Specialty Insurance Company. Mr. Bargeman's negligence, fault, want of care and/or strict liability is imputed to the insurance carrier, Technology Insurance Company, Inc. Defendant's conscious conduct consists of one or more of the following acts and/or omissions which are alternative and not exclusive and which, if inconsistent, are pled in the alternative:

A. With regard to William J. Porter, II:

1. He rear-ended a vehicle ahead;
2. He failed to pay attention to traffic ahead and/or keep a good and proper lookout;
3. He failed maintain control over his vehicle;

4. He was following too closely;
5. He was driving in a careless manner;
6. He failed to see what he should have seen or do what he should have done;
7. He failed to act like a reasonably prudent person under the circumstances;
8. He failed to avoid an automobile collision;
9. Any and all other acts and/or omissions constituting negligence and/or fault and/or want of care and/or strict liability which are proven at the time of trial.

B. With regard to Eugene V. Bargerian:

1. He was following too closely;
2. He failed to give a proper signal to a following vehicle;
3. He came to an abrupt stop;
4. Any and all other acts and/or omissions constituting negligence and/or fault and/or want of care and/or strict liability which are proven at the time of trial.

All of which acts and omissions are in direct violation of the traffic laws and ordinances of the City of Lake Charles, the Parish of Calcasieu and the State of Louisiana, which said laws, ordinances and statutes are pled herein as if copied *in extenso*."

VI.

Plaintiffs reiterate and re-aver all the allegations of plaintiffs' original Petition for Damages, not inconsistent with the purpose of the above and foregoing First Amended and Supplemental Petition for Damages, as if copied herein *in extenso*.

WHEREFORE, plaintiffs, Rosalinda Ayisa Dural and Christopher T. Lewis, pray that:

1. This First Amending and Supplemental Petition for Damages be filed as prayed for and according to law;
2. All of the allegations of plaintiffs' original Petition for Damages, not inconsistent with the purpose of the above and foregoing First Amended and Supplemental Petition for Damages, be reiterated and re-avered as if copied herein *in extenso*;
3. Defendants, United Specialty Insurance Company, Rose Land Development, L.L.C. and William J. Porter, II be duly served with a copy of this First Amending and Supplemental Petition for Damages and enter to appear herein and answer same;

Defendants, Technology Insurance Company, Inc. and Eugene V. Bargeman be duly served with a copy of the original Petition for Damages and the First Amending and Supplemental Petition for Damages and be cited to appear and answer the same.

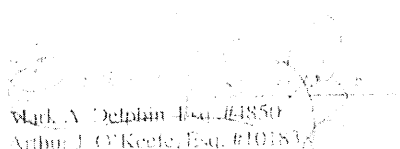
And after the lapse of all legal delays and due proceedings are had, there be judgment herein in favor of plaintiffs Rosalina Ayala Dada and Christopher T. Lewis and against defendants United Specialty Insurance Company, Rose Land Development, L.L.C., William J. Porter, II, Technology Insurance Company, Inc., and Eugene V. Bargeman, jointly, severally and in undivided sum of damages as is reasonable in the premises, together with legal interest from and after the date of judicial demand until paid, and for all costs of these proceedings and the fees of expert witnesses, and

or For all orders and decrees necessary in the premises and for all costs of these proceedings and for full general and equitable relief.

By their attorney,

DELPHIN LAW OFFICES,
A PROFESSIONAL LAW CORPORATION
626 Broad Street
Lake Charles, LA 70601
(337) 439-3939 Telephone
(337) 439-4504 Facsimile

BY


Mark A. Delphin, Esq. #4850
Arthur J. O'Keefe, Esq. #10183

PLEASE SERVE

PLEASE SERVE WITH FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES ONLY

UNITED SPECIALTY INSURANCE COMPANY

Thurmond, Louisiana Secretary of State
c/o Secretary of State
Baton Rouge, Louisiana 70809

PLEASE SERVE WITH FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES ONLY

ROSE LAND DEVELOPMENT, L.L.C.

Via Long View Statute
c/o United States Marshal Agent for the service of legal process
Robert M. Loomis
701 E. Church Street

Newton, MS 39045

PLEASE SERVE WITH FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES ONLY

WILLIAM L. PORTER

Via Love - Via Satellite
1201 - 111 - Stamper Road
Ocean Springs, MS 39057

PLEASE SERVE WITH ORIGINAL PETITION FOR DAMAGES AND FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES

TECHNOLOGY INSURANCE COMPANY, INC.

Insurance
Commerce Secretary of State
1850 - 111 - 111
Baton Rouge, Louisiana 70809

PLEASE SERVE WITH ORIGINAL PETITION FOR DAMAGES AND FIRST AMENDING AND SUPPLEMENTAL PETITION FOR DAMAGES

EUGENE V. BARGEMAN

2017 9th Street
Lake Charles, Louisiana 70601

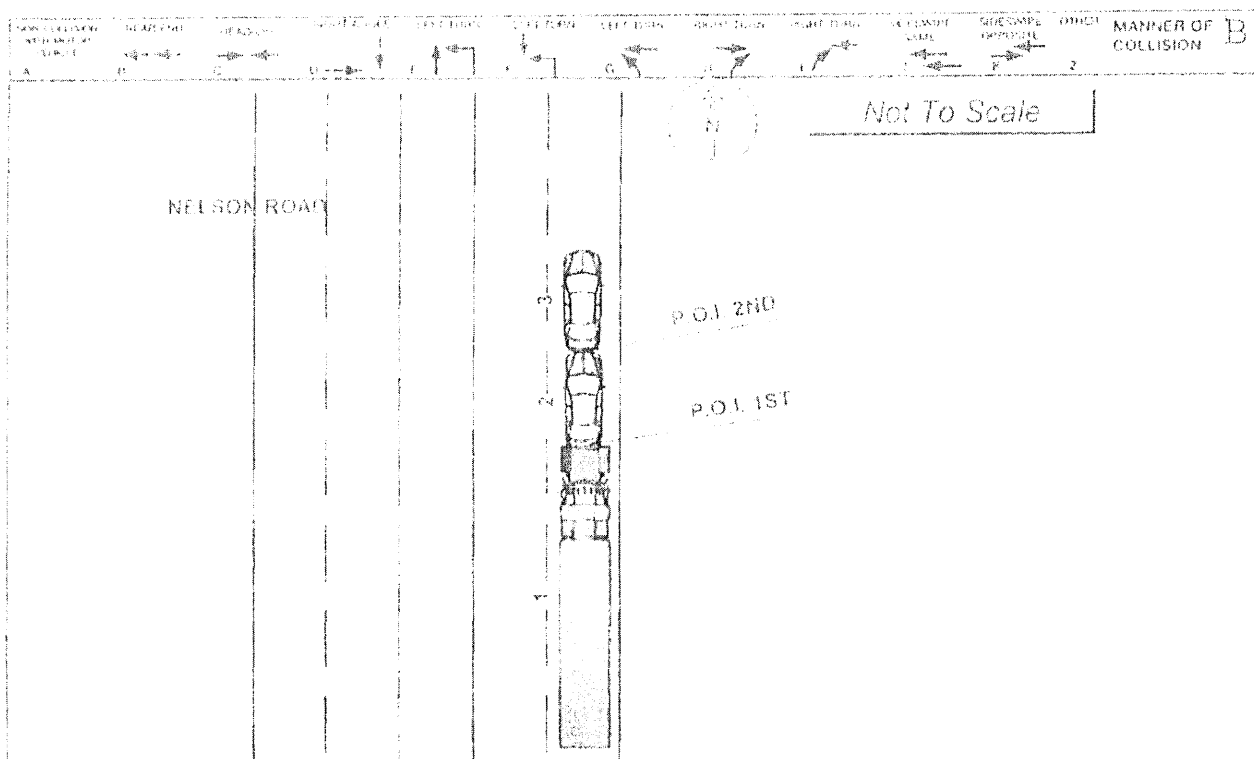
OFFICER'S NARRATIVE: DESCRIBE AN UNUSUAL CIRCUMSTANCE ASSOCIATED WITH THIS POLICE REPORT. PROVIDE ALL INFORMATION AND COMMENTS. (Include witness names, addresses, phone numbers, etc.)

IF NECESSARY, INCLUDE DAMAGE TO PUBLIC OR PRIVATE PROPERTY WITH OWNER'S NAME & ADDRESS. IF THE HQ RECEIVES A REFERENCE TO EACH BY VEHICLE NUMBER. (111-400-2125)

THE DRIVER OF VEHICLE #1 STATED THAT HE THOUGHT TRAVEL WAS SLOWING WHEN HE RAN INTO THE PA-
 VEHICLE #2. VEHICLE #2 WAS THEN PUSHED INTO VEHICLE #3.

THE DRIVER OF VEHICLE #4 STATED THAT HE WAS BEING PUSHED IN CONNECTION WITH VEHICLE #1
 PUSHED INTO VEHICLE #1. HE STATED THAT VEHICLE #1 WAS PUSHED INTO VEHICLE #2.

THE DRIVER OF VEHICLE #5 STATED THAT HE WAS BEING PUSHED INTO CONNECTION WITH VEHICLE #1
 TRUCK LANE #2. HE WAS PUSHED INTO VEHICLE #2.



Report Prepared By: J. MEYER, MEMBER (111-400-2125) on Wednesday, March 14, 2020

ROSALINA AYUYU DALAL AND :
CHRISTOPHER T. LEWIS

14TH JUDICIAL DISTRICT COURT

VS. NO. 2019-531 "D"

: PARISH OF CALCASIEU

UNITED SPECIALTY
INSURANCE COMPANY,
ROSE LAND DEVELOPMENT,
L.L.C. and WILLIAM J. PORTER, II

: STATE OF LOUISIANA

FILED: _____

:

Kristen Lewis
DEPUTY CLERK OF COURT

**EXHIBITS ATTACHED TO MEMORANDUM IN
OPPOSITION TO DILATORY EXCEPTION."**

1. Petition for Damages filed January 30, 2019
2. Plaintiff First Supplemental and Amending Petition for Damages filed March 12, 2019
3. Diagram from the Police report for the February 28, 2018 automobile accident



JDC
EHROSALINA AYUYU DALAL AND :
CHRISTOPHER T. LEWIS

14TH JUDICIAL DISTRICT COURT

VS. NO. 2019-531 "D"

: PARISH OF CALCASIEU

UNITED SPECIALTY
INSURANCE COMPANY,
ROSE LAND DEVELOPMENT,
L.L.C. and WILLIAM J. PORTER, II

: STATE OF LOUISIANA

FILED: _____

: Kristen Lewis
DEPUTY CLERK OF COURT

PI

**PLAINTIFFS' OPPOSITION TO EXCEPTION OF VAGUENESS FILED BY EUGENE V.
BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC.**

MAY IT PLEASE THE COURT:

In their Exception of Vagueness, Technology Insurance Company, Inc. and Eugene v. Bargeman (hereafter the "Technology defendants") complain that plaintiff's Petition and First Amending and Supplemental Petition is vague. They claim, in essence, that our petition and the amended petition are too vague to allow them to properly defend against it.

They are wrong.

SCANNED

SEP 06 2019

The Wreck

It is important to note that plaintiffs' injuries arise out of a three-vehicle collision. Mr. Lewis and his mom, Ms. Dalal, were in the lead vehicle (designated as vehicle #3 on the investigating officer's diagram below) properly stopped. The next vehicle in line (#2), was driven by the Exceptor's vehicle, with Mr. Bargeman as their driver, and the third vehicle (#1) was an 18 wheeler driven by Mr. Porter. A traumatic collision ensues, but it is unclear to Mr. Lewis and Mr. Dalal, because their backs were turned, exactly what happened behind them. At this point in the progression of the case, prior to depositions and discovery (as we were recently remanded from federal court), there are three reasonable possibilities: it is possible that Mr. Bargeman's vehicle struck the Lewis vehicle first; it is possible that Mr. Bargeman stopped too close behind the Lewis vehicle; and it is also possible that Mr. Bargeman was first struck by Mr. Porter and propelled into the Lewis vehicle. Regardless, this Honorable Court is well aware that there is a presumption that if one is struck from behind, the burden of proof shifts to the rear ending driver to prove that he is free from fault. We don't know for sure at this point whether Mr. Bargeman (the middle driver) can exculpate himself from fault, because depositions have not yet been taken. What we do know, is that Mr. Porter, the driver of the 18 wheeler who was in the best position to see and to know, has plead third party fault in his Answer. Specifically, Mr. Porter, the 18 wheeler driver, claims in

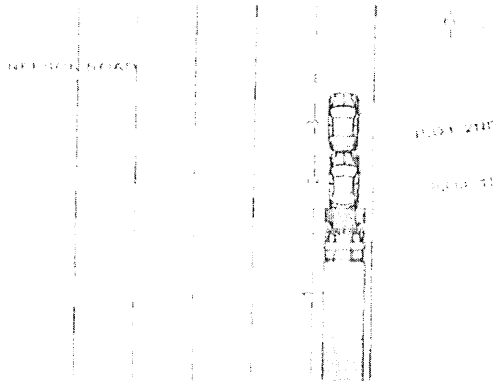


his Answer in the paragraph entitled FIFTH DEFENSE that:

"FIFTH DEFENSE

"Defendants aver that, to the extent that any damage or loss to Plaintiffs was caused proximately by the negligence, fault, legal fault and/or want of care of person(s) or entity(s) for whom the Defendants or any of them are not legally responsible, Plaintiffs may not recover for any such damage or loss from Defendants."

The investigating officer's drawing really does show that this is not a complex wreck:



It is difficult to see how plaintiffs, in their two petitions, could be more clear in a three car collision where there are allegations of fault that likely concern car #2—the Technology defendants.

What Plaintiffs Allege:

Our First Amending and Supplemental Petition for Damages, attached hereto, include these allegations with respect to the Technology Defendants:

"V.

"On or about February 28, 2018, petitioner Rosalina Ayuyu Dalal was driving her 2016 Kia Forte northbound on Nelson Road in the City of Lake Charles, Louisiana. Petitioner, Christopher T. Lewis, was guest passenger in Ms. Dalal's car. As a result of traffic congestion, Ms. Dalal was required to, and did, bring her car safely to a complete stop. Upon petitioners' belief, Eugene V. Bargeman was driving a 2018 Nissan Murano behind Ms. Dalal. After Ms. Dalal came to a complete stop, it is believed that Mr. Bargeman similarly brought his vehicle to a complete stop. At the same time, Defendant, William J. Porter II, was driving behind Mr. Bargeman. Mr. Porter was operating a 2000 Peterbilt 379 truck hauling a 2018 FO trailer. Although Mr. Bargeman slowed his vehicle in preparation to bring his vehicle to a complete stop, Mr. Porter did not slow appropriately and did not stop. Instead, William J. Porter, II rammed his Peterbilt truck into the rear of the Bargeman vehicle causing the Bargeman vehicle to be propelled into the rear of the Ms. Dalal's vehicle.

Upon petitioners' belief that defendants, William J. Porter, II and/or Rose Land Development, L.L.C. and/or United Specialty Insurance Company, may have information different from and/or in addition to that possessed by plaintiffs such that defendants may allege fault against Mr. Eugene V. Bargeman in causing the February 28, 2018 collision, Plaintiffs therefore make the following alternative allegations: Mr. Bargeman was a joint and/or concurrent cause of the February 28, 2018 collision and was negligent and/or at fault in that he was following too closely and/or he failed to give a proper signal to a following vehicle and/or he came to an abrupt stop.

As a result of this collision, plaintiffs, Rosalina Ayuyu Dalal and Christopher T. Lewis, suffered personal injuries and other damages.”

“VIII.

The sole and proximate cause of the rear end collision made the basis of this suit was the individual and/or joint and/or concurrent negligence and/or fault and/or want of care and/or strict liability of defendants, William J. Porter, II and Eugene V. Bargeman. Mr. Porter’s negligence, fault, want of care and/or strict liability is imputed to Rose Land Development, L.L.C. and to the insurance carrier United Specialty Insurance Company. Mr. Bargeman’s negligence, fault, want of care and/or strict liability is imputed to the insurance carrier, Technology Insurance Company, Inc. Defendants’ tortious conduct consists of one or more of the following acts and/or omissions which are illustrative and not exclusive and which, if inconsistent, are pled in the alternative:

“B. With regard to Eugene V. Bargeman:

1. He was following too closely;
2. He failed to give a proper signal to a following vehicle;
3. He came to an abrupt stop;
4. Any and all other acts and/or omissions constituting negligence and/or fault and/or want of care and/or strict liability which are proven at the time of trial.

All of which said acts and omissions are in direct violation of the traffic laws and ordinances of the City of Lake Charles, the Parish of Calcasieu and the State of Louisiana, which said laws, ordinances and statutes are pled herein as if copied *in extenso*.”

The Law

The Technology defendants rely upon three decades old cases: *Snoddy*, 702 So. 2d 890 (La. App. 3 Cir 1997), *Sikes*, 383 So. 2d 111 (La. App 3 Cir 1980) and *Bustamante*, 668 2d 1286 (La App. 5 Cir. 1996), to support their claim that these allegations that we have offered against them are not clear enough for them to make out a defense. However, we cite this Honorable Court to a more modern and relevant pronouncement from the 3rd Circuit. Please see *Springer v. O’Neal Apartments*, 125 So. 3d 606 (La. App 3 Cir 2013), where the Court set out a more recent statement of the law:

“Louisiana is a fact pleading state under the Louisiana Code of Civil Procedure. *Ellis v. Normal Life of Louisiana*, 93–1009, p. 8 (La.App. 5 Cir. 5/31/94), 638 So.2d 422, 427. Although it has always been necessary to state a cause of action and to allege the material facts continuing a cause of action, it is not necessary to allege evidence. See La.Code Civ.P. art. 854. Indeed, Louisiana’s system allows even the most unsophisticated plaintiffs the opportunity to have their day in court. “[T]he objection of vagueness does not entitle the defendant to demand exactitude and detail of pleading beyond what is necessary to fulfill the aims of La.Code Civ.P. arts. 854 and 891.”² *Thomas v. Sonic*, 06–14, p. 4 (La.App. 1 Cir. 11/3/06), 950 So.2d 822, 824. A plaintiff’s petition is sufficient as long as it fairly informs the defendant of the general nature of the cause of action and alleges facts sufficient to allow the defendant to prepare a defense. *Washington v. Flenniken Constr. Co.*, 188 So.2d 486 (La.App. 3 Cir.1966).”

The Court went on to hold that the amended petition "was more than sufficient to inform Defendants of the claims asserted and to allow them to prepare a defense" and observed that "[a]ny additional information sought by Defendants can be revealed during the discovery process."

And that makes sense.

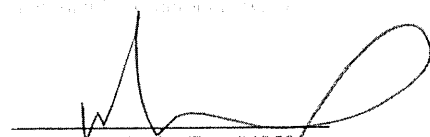
CONCLUSION

We urge the Court to overrule the Technology defendant's baseless exception.

By their attorney,

DELPHIN LAW OFFICES,
A PROFESSIONAL LAW CORPORATION
626 Broad Street
Lake Charles, LA 70601
(337) 439-3939 -Telephone
(337) 439-4504 - Facsimile

BY:


Mark A. Delphin, Esq. #4850
Arthur J. O'Keefe, Esq. #10183

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing has been forwarded by e-mail
only to:

Jean Ann Billeaud
Lewis Brisbois
100 E. Vermilion Street, Suite 300
Lafayette, LA 70501

Lottie L. Bash
Faircloth, Melton, Sobel & Bash, LLC
105 Yorktowne Dr.
Alexandria, LA 71303

Lake Charles, Louisiana, this 23rd day of August, 2019.


MARK A. DELPHIN

16P
ROSALINA AYUYU DALAL AND : 14TH JUDICIAL DISTRICT COURT
CHRISTOPHER T. LEWIS

VS. NO. 2019-531 "D" : PARISH OF CALCASIEU

UNITED SPECIALTY
INSURANCE COMPANY, : STATE OF LOUISIANA
ROSE LAND DEVELOPMENT,
L.L.C. and WILLIAM J. PORTER, II

FILED: OCT 24 2019

Sarah Hollier
DEPUTY CLERK OF COURT

JUDGMENT ON DILATORY EXCEPTION OF VAGUENESS 1conf 21

The Dilatory Exception and Motion to Strike filed by defendants Technology Insurance Company and Eugene V. Bargeman came for hearing on Tuesday, September 10, 2019.

Present: Madaline King for defendants Technology Insurance Company and Eugene V. Bargeman

Mark A. Delphin for plaintiffs Rosalina Ayuyu Dalal and Christopher T. Lewis

After considering the pleadings, exhibits, memoranda and argument of counsel, for the reasons orally assigned, the Court finds as follows:

IT IS ORDERED, ADJUDGED AND DECREED that the Dilatory Exception and Motion to Strike filed by defendants Technology Insurance Company and Eugene V. Bargeman be and the same is hereby **DENIED** at Exceptor's cost, reserving unto the Exceptors the right to re-urge the Dilatory Exception and Motion to Strike after reasonable discovery is conducted in this matter.

Lake Charles, Louisiana this 23rd day of October, 2019.

[Signature]
Honorable Robert L. Wyatt
Judge, Fourteenth Judicial District Court

SCANNED
NOV -7 2019



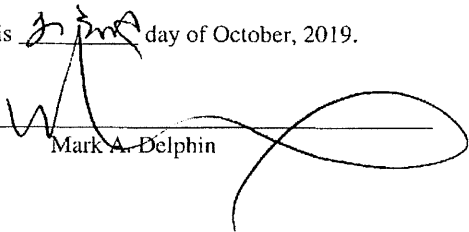
CMS8641011
Filing Date: 10/24/2019 12:00 AM
Case Number: 2019-000531
Document Name: JUDGMENT

Page Count: 2

CERTIFICATE

I hereby certify that I have prepared the above and foregoing Judgment on the merits of the Dilatory Exception and Motion to Strike filed in the above captioned matter by defendants, Technology Insurance Company and Eugene V. Bargeman and that this Judgment is in accordance with the decision of Judge Robert L. Wyatt made in open court in the presence of the attorneys identified in the above and foregoing judgment and that the above and foregoing judgment has been delivered to opposing counsel, Madaline King in accordance with Rule 9.5 of the Rules for Louisiana District Courts and I have communicated with Madeline King who advises that she has no opposition to the Judgment being submitted to the Court.

Lake Charles, Louisiana this 21st day of October, 2019.



Mark A. Delphin

H. Lynn Jones II

Clerk of Court and Ex-Officio Recorder
Fourteenth Judicial District of Louisiana
Parish of Calcasieu
Lake Charles, Louisiana

Post Office Box 1030
Lake Charles, Louisiana 70602



Main: 337-437-3550
Fax: 337-437-3350

November 6, 2019

TO: MARK DELPHIN
ARTHUR J. O'KEEFE, CO-COUNSEL
626 BROAD STREET
Lake Charles, LA 70601

RE: ROSALINA AYUYU DALAL
VS. NO: 2019-000531
UNITED SPECIALTY INSURANCE COMPANY

Dear MARK A DELPHIN:

In accordance with Article 1913 of the Louisiana Code of Civil Procedure, you are hereby notified that Judgment was read and signed in the above numbered and entitled cause on the 23RD day of OCTOBER, 2019.

("JUDGMENT ON DILATORY EXCEPTION OF VAGUENESS").

Yours very truly,
H. Lynn Jones, II
Clerk of Court

CC: JEAN ANN BILLEAUD
100 E VERMILLION STREET,
SUITE 300
LAFAYETTE, LA 70501-0000

BY: _____
Katie Dukes
Deputy Clerk of Court

LOTTIE L. BASH
105 YORKTOWN DR.
ALEXANDRIA, LA 71303

RECORD

I hereby certify that the above and foregoing notice was mailed by me, postage prepaid to counsel of record for all parties and to those parties who were not represented by counsel, directed to their last known address, on this 6th day of November 2019.

Deputy Clerk of Court

CMS6650252

Filing Date: 11/06/2019 01:32 PM Page Count: 1
Case Number: 2019-000531
Document Name: Notice of Judgment Without Service

H. Lynn Jones II

Clerk of Court and Ex-Officio Recorder
Fourteenth Judicial District of Louisiana
Parish of Calcasieu
Lake Charles, Louisiana

Post Office Box 1030
Lake Charles, Louisiana 70602



Main: 337-437-3550
Fax: 337-437-3350

November 6, 2019

TO: MARK DELPHIN
ARTHUR J. O'KEEFE, CO-COUNSEL
626 BROAD STREET
Lake Charles, LA 70601

RE: ROSALINA AYUYU DALAL
VS. NO: 2019-000531
UNITED SPECIALTY INSURANCE COMPANY

Dear MARK A DELPHIN:

In accordance with Article 1913 of the Louisiana Code of Civil Procedure, you are hereby notified that Judgment was read and signed in the above numbered and entitled cause on the 23RD day of OCTOBER, 2019.

("JUDGMENT ON DILATORY EXCEPTION OF VAGUENESS").

Yours very truly,
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Clerk of Court

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1 A I don't know the name of the person, but it was
2 a guy.

3 Q Okay. Do you know if he had any occupants in
4 his vehicle?

5 A I don't know. Yeah, the wife. He was with the
6 wife.

7 Q Okay. And he was driving? The male was
8 driving?

9 A Yes.

10 Q And how about the truck behind the SUV? Do you
11 know who was driving that?

12 A It was a white Caucasian guy.

13 Q The gentleman that I referred to, Mr. Porter?
14 Does that ring any bells?

15 A I don't know his name.

16 Q Was there anybody else in his truck?

17 A No. I didn't see.

18 Q Okay. And where were you? Physically, where
19 was your car right before this accident
20 happened?

21 A We were on -- it's a stop light, but we were
22 like about six cars back, fully stopped.

23 Q Okay. Do you know what street you were driving
24 on?

25 A On Nelson.

1 Q And did this accident happen near an
2 intersection? Do you have any landmark of
3 where it happened near?

4 A It's near where the Walmart traffic light is.
5 Like I said, we were like six cars behind.

6 Q And were you dead stopped in traffic before the
7 accident happened?

8 A Yeah, I was fully stopped.

9 Q And to the best of your recollection, what
10 happened?

11 A All I heard was a big boom. And then I, you
12 know, fell forward. I was just surprised that,
13 you know, we heard that noise, you know. So I
14 looked at Chris, and I asked him, "Are you
15 okay?" So Chris is like, "Mom, we just got
16 hit." I said, "Okay." So we got out of the
17 car, and we looked back, and we saw the SUV
18 guy.

19 Q So when you say you heard a boom --

20 A Yeah.

21 Q Okay. You heard the boom, and then you fell
22 forward?

23 A Yeah. You know, it caught us by surprise.
24 When the boom, we just went like that
25 (gesturing).

1 Q Okay. And you went forward one time?

2 A Yeah.

3 MR. DELPHIN: I don't want to
4 interrupt you, Jean Ann. I want the
5 record to reflect her movement, the
6 forward motion of her body, that she was
7 making.

8 MS. BILLEAUD: That's fine.

9 BY MS. BILLEAUD:

10 Q So the boom that you heard, was that when your
11 car was hit?

12 A Yes.

13 Q Okay. And you heard just one boom?

14 A Yes.

15 Q After the accident -- so you got out of your
16 car and walked around, you said?

17 A No. I got up, and I stood outside. I looked
18 back, and it was a guy in the SUV said we got
19 hit. That's all he said to us.

20 Q Okay. But you got out of your car?

21 A Right.

22 Q You and Christopher?

23 A Yes.

24 Q And were you able to walk around?

25 A At that moment, I couldn't really walk because

1 I had a hematoma on my leg. But I got out and
2 I stood right where my car is.
3 Q Got you. Did Christopher walk around?
4 A Yes.
5 Q Did you talk -- so you spoke with the driver of
6 the SUV?
7 A The SUV guy came and told me that --
8 Q Came to you?
9 A Yeah. He said, "We got hit."
10 Q Did he address both you and Christopher, or had
11 Christopher gone somewhere else?
12 A I'm not sure if he was listening or whatever,
13 but that's what the guy told me.
14 Q How about the driver of the truck behind the
15 SUV? Did you talk to him?
16 A Towards the end, yes.
17 Q What do you mean, towards the end?
18 A Like after the officer was --
19 Q And what was discussed? Did he talk to you, or
20 you talked to him or both?
21 A He came and talked to the officer, and then he
22 introduced himself to me. Then he told us what
23 his boss said.
24 Q And what was that?
25 A That he was going to take -- he's taking all

1 the responsibility. So the officer said, "You
2 guys heard that?" He pointed at him, and he
3 goes, "Him, he's going to take care of you and
4 you." And he said that the boss said he was
5 going to take all the responsibility --
6 Q Okay.
7 A -- of the accident.
8 Q Did you speak with anyone else, then? I assume
9 you spoke with the investigating officer,
10 obviously?
11 A The police officer?
12 Q Yes, ma'am.
13 A He just --
14 Q Did you talk to the officer?
15 A Yeah. He just gave me my ID back. He just
16 said that he's going to take care --
17 Q Did you speak with anybody else, then, after
18 the accident while y'all are still there
19 besides the SUV driver, my driver, or the
20 officer?
21 A Nobody --
22 Q Okay.
23 A -- after that.
24 Q How about transportation from the accident
25 site? How did you leave the accident site?

1 you correctly, you said you were at a complete
2 stop; is that correct?

3 A Yes.

4 Q So you don't have any information about any
5 speed of any vehicle; is that fair?

6 A Yeah.

7 MS. BASH: I think that's all I have.
8 Mark may have questions. You may have
9 more questions. Read and sign, just don't
10 let me forget.

11 **EXAMINATION**

12 **BY MR. DELPHIN:**

13 Q I have a couple of questions for you, Ms.
14 Rosalina. You were asked as to whether or not
15 you had a wheelchair before the wreck or after
16 the wreck. Did you have a wheelchair before
17 the wreck?

18 A No.

19 Q Okay. I just wanted to make sure you made that
20 clear. The other thing, you had gotten -- this
21 lady had asked you a lot of questions about
22 accidents throughout your lifetime such as
23 slip-and-falls, trip-and-falls, falling off a
24 ladder, injuries on the job. Can you recall
25 any incident where you had hurt yourself before

Eugene Bargeman
December 4, 2019

Page 1

1 14TH JUDICIAL DISTRICT COURT
2 PARISH OF CALCASIEU
3 STATE OF LOUISIANA

CALCASIEU CLERK-COST
JAN 09 2020 AM 11:08:31

5 ROSALINA AYUYU DALAL AND
6 CHRISTOPHER T. LEWIS

7

8 VERSUS

NO. 2019-531 "D"

9

10 UNITED SPECIALTY INSURANCE
11 COMPANY, ROSE LAND DEVELOPMENT,
12 L.L.C. and WILLIAM PORTER, II

13

14 * * * * *

15 THE DEPOSITION OF
16 EUGENE BARGEMAN

17

18 Taken in connection with the captioned cause,
19 pursuant to the following stipulations taken at the
20 offices of Delphin Law Firm, 626 Broad Street, Lake
21 Charles, Louisiana, on the 4th day of December,
22 2019, beginning at 2:19 p.m.

23

24

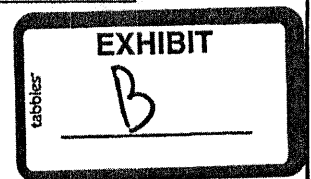
25

FILED 1-6-2020
Raikun Long
Deputy Clerk of Court
Calcasieu Parish, Louisiana

porters / Trial Technology Specialists
-304-8207 Notices: robin@court-video.com



File Date: 01/30/20 10:00 AM Page Count: 14
Case Number: 2019-00531
Document Name: EXHIBIT



Eugene Bargeman
December 4, 2019

Page 11

1 A. Yes.

2 Q. Okay. Now, was his mother living with Mr.
3 Stelly at the time, or was she still living with
4 --

5 A. No. She stays by herself in her own home.

6 Q. Okay. At her home in South Lake Charles?

7 A. Yes.

8 Q. Okay. So, where did this wreck take place, Mr.
9 Bargeman?

10 A. February -- February the 28th.

11 Q. Oh, no, sir. I may have said "when"; I meant to
12 say "where." What street did this --

13 A. Nelson Road.

14 Q. Nelson Road. And was it at an intersection?

15 A. It was the intersection of Nelson and Prien
16 Lake.

17 Q. And Prien. Okay, so just kind of tell me in
18 your own words, Mr. Bargeman, what happened?

19 A. I was just sitting at the red light just waiting
20 for the light to change, and I know I heard -- I
21 mean, I seen the 18-wheeler driving up behind
22 me, but he kind of slowed down further back.
23 And we were just waiting for the light to
24 change. And then the next thing I know, I heard
25 when he, like, gave his truck some gas. And

Eugene Bargeman
December 4, 2019

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1 when he gave it some gas, I say, "Wow, he's
2 fixing to hit me." And before I know it, "Bam."
3 Q. It sounded like he accelerated?
4 A. He accelerated, yeah. He accelerated his
5 vehicle.
6 Q. And it seems --
7 A. And the light never did change.
8 Q. And it seems that you found it unusual for him
9 to be accelerating his vehicle?
10 A. Yeah, at that time.
11 Q. Did you ever understand or find out why he would
12 accelerate his vehicle approaching a red traffic
13 signal?
14 A. No.
15 Q. Okay. So, let me ask you this, Mr. Bargeman.
16 You identified Mr. Dalal and Ms. Lewis. Is it
17 true that that they --
18 MS. BASH:
19 You said it backwards.
20 Q. (Mr. Delphin) Ms. Dalal and Mr. Lewis. I'm
21 sorry. Were thy in a vehicle in front of you?
22 A. Yes.
23 Q. What -- can you give us a description of that
24 vehicle?
25 A. I know it's a red vehicle.

Eugene Bargeman
December 4, 2019

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1 Q. A red vehicle?
2 A. Yes, but I can't remember --
3 Q. Let me see what the police officer --
4 A. -- what kind of vehicle it is.
5 Q. -- called it. A Kia Forte.
6 A. Kia Forte, yeah.
7 Q. Does that sound about right?
8 A. That sounds about right, yeah.
9 Q. So, was that vehicle stopped in front of you?
10 A. Yes.
11 Q. And then there was you?
12 A. Uh-huh (yes.)
13 Q. And of course, you're going to tell us, we know
14 later that you were struck from behind by an 18-
15 wheeler.
16 A. Yes.
17 Q. Now, here's my question. Between Ms. Dalal's
18 vehicle, the red vehicle, an the light, were
19 there other vehicles?
20 A. Yes.
21 Q. About how many others?
22 A. I'd say about maybe five or six vehicles.
23 Q. Five or six vehicles in front of Ms. Dalal?
24 Okay. Well, let me ask you this? Did you see
25 when Ms. Dalal came to a stop behind those

Eugene Bargeman
December 4, 2019

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1 A. Yeah. Maybe about a -- about a car length or a
2 half a car length.

3 Q. Okay.

4 MS. BASH:

5 Probably depends on what type car.

6 THE WITNESS:

7 What type, yeah. Because different cars
8 got different lengths.

9 Q. (Mr. Delphin) Okay. Well, let's see if we can
10 come up with an estimate. Eight to ten feet; is
11 that agreeable with you?

12 A. I'd say about eight.

13 Q. About eight. Okay, that's good; I don't need to
14 know exactly. Now, we know that you would be
15 struck from the rear. But at the time your
16 vehicle was struck, were you at a complete stop?

17 A. A complete stop, yes.

18 Q. Is there anything that you know of that you
19 could have done to avoid this wreck?

20 A. No, sir, not at all.

21 Q. Is there any -- was there anything wrong with
22 your vehicle? And what I mean by wrong with the
23 vehicle you were operating, were there any
24 mechanical problems with it?

25 A. No, sir.

Eugene Bargeman
December 4, 2019

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1 Q. As far as you know, the taillights on the
2 vehicle may have worked?
3 A. Yes.
4 Q. And you came to a gradual controlled stop?
5 A. Complete stop.
6 Q. So you did not slam on your brakes?
7 A. No.
8 Q. And neither did Ms. Dalal, correct?
9 A. Ms. Dalal?
10 Q. Yeah. She didn't slam on her brakes. She came
11 to a --
12 A. Well, yes.
13 Q. -- a slow and gradual stop?
14 A. She stopped, yeah.
15 Q. Now, what about the vehicles in front? Same for
16 them? The other four or five vehicles that were
17 in front of her, did they come to a controlled
18 gradual --
19 A. Well, the other four vehicles in front of her
20 was already probably gone after that, because
21 the light had done changed. When he struck me
22 the light had done changed and the other vehicle
23 was not going. I had done hit her.
24 Q. I'd say -- what I was asking, before the
25 collision, you know, when the vehicle -- when

Eugene Bargeman
December 4, 2019

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1 the traffic began to stop for the -- the red
2 light --

3 A. For the light.

4 Q. -- phase, did they come to a controlled --

5 A. Complete.

6 Q. -- stop, or was it an emergency stop?

7 A. No, it's a complete stop.

8 Q. Okay, so --

9 MS. BASH:

10 I'm sorry. He's saying complete and you're
11 saying controlled. We may want to make
12 sure we're on the same page.

13 MR. DELPHIN:

14 Okay.

15 Q. (Mr. Delphin) So, did they come to a slow and
16 gradual stop, or did it appear to be an
17 emergency stop?

18 A. We were just at a stop.

19 Q. Okay. Nothing unusual about it?

20 A. Nothing unusual.

21 Q. And just like you don't criticize yourself or
22 Ms. Dalal, do you have any criticism of those
23 drivers in front of you who stopped for the
24 light?

25 A. No.

Eugene Bargeman
December 4, 2019

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1 Q. Okay. I just wanted to make sure. Okay. So,
2 you're sitting at -- in your vehicle. Where is
3 Ms. Stelly? Is she in the back or she's on your
4 right?

5 A. She's on my right in the front seat.

6 Q. Okay. Is anybody on their cell phone?

7 A. No.

8 Q. Okay. And are y'all having a conversation or
9 are y'all silent? What's going on?

10 A. We're silent. We're just sitting at the light.

11 Q. Okay. And -- and then you -- when did you first
12 become aware of an 18-wheeler approaching you?

13 A. When I became aware?

14 Q. Yeah. When did you first notice that 18-
15 wheeler?

16 A. As I come to a complete stop, I look in the back
17 of my mirror and I seen an 18-wheeler coming.

18 Q. Can you give me an est --

19 A. -- stopped.

20 Q. -- Can you give me an est of that 18-wheeler
21 speed?

22 A. Well, he wasn't speeding at the time he hit me.

23 Q. Well, and I'm not saying that he was but I'm
24 asking you, can you tell me -- give me an
25 estimate of how fast you think he was going.

Eugene Bargeman
December 4, 2019

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1 MS. BASH:

2 If you know.

3 THE WITNESS:

4 Maybe 20, 25 miles an hour.

5 Q. (Mr. Delphin) Okay. 20, 25 miles per hour.

6 A. Uh-huh (yes.)

7 Q. And Mr. Bargeman, I meant -- I think you said
8 this, but I want to be sure. So, your foot was
9 on the brake at the time of impact?

10 A. Yes.

11 Q. Now, when you -- and you had said earlier you
12 had heard his vehicle accelerate. When you
13 heard his vehicle accelerate, what did you do?

14 A. Nothing. I just stayed with my feet on the
15 brakes.

16 Q. Okay. I mean, did you kind of tense up, get
17 prepared for impact, or did you -- but did you
18 not know that there would be an impact?

19 A. I didn't know it wouldn't be an impact.

20 Q. But your foot was on the brake?

21 A. But my feet was on the brake, yes.

22 Q. Okay. So, just to make sure I understand this:
23 The 18-wheeler runs into the rearview, correct?

24 A. Yes.

25 Q. And is it true that the force of that collision

Eugene Bargeman
December 4, 2019

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1 was sufficient to knock you, the eight feet or
2 so from where you were stopped into the rear of
3 the Dalal vehicle?

4 A. Yes.

5 Q. So, if I were to say Mr. Bargeman was in -- was
6 hit, was at a stop, hit by the 18-wheeler and
7 propelled into the back of the Dalal vehicle,
8 that would be a true statement?

9 A. Yes.

10 Q. So, how would you describe the impact that you
11 experienced, Mr. Bargeman? Would you say that
12 it was a moderate impact? Heavy impact? Light
13 impact? What word would you use?

14 A. A "boom" impact.

15 Q. A who?

16 A. A "boom."

17 Q. Okay.

18 MS. BASH:

19 It's the same word that he used.

20 Q. (Mr. Delphin) By a "boom" --

21 A. A "boom."

22 Q. By a "boom" impact --

23 A. Yeah.

24 Q. You mean it's --

25 A. A hard impact.

Eugene Bargeman
December 4, 2019

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- 1 Q. It was a hard impact?
- 2 A. Yeah.
- 3 Q. Enough to knock you like a cue ball -- your
4 vehicle like a cue ball into the vehicle --
- 5 A. Another vehicle in front of -- yes.
- 6 Q. Okay. Now, after the collision, Mr. Bargeman,
7 did you get a chance to speak to the driver of
8 the 18-wheeler?
- 9 A. Yeah. I went and asked him, I said, "What you
10 was doing?" I mean -- I mean, and he just say,
11 "Oh my fault," I mean, "I'm sorry."
- 12 Q. Well, did you say anything like why are you
13 accelerating when you see all these cars stopped
14 at the stop sign -- at a stop light?
- 15 A. No, I didn't ask him nothing. I just asked him
16 what happened, what you was doing.
- 17 Q. And all he said was what?
- 18 A. "I'm sorry."
- 19 Q. And did he take responsibility?
- 20 A. Yes.
- 21 Q. What words did he use?
- 22 A. That he used sorry that he ran into the back of
23 me.
- 24 Q. Did -- was it your impression that the gentleman
25 operating the 18-wheeler was on his cell phone

Eugene Bargeman
December 4, 2019

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1 Q. Okay.

2 A. I mean, we went to the emergency room and
3 got checked, and she just said she wasn't
4 hurt.

5 Q. Okay. So, which emergency room did Ms.
6 Stelly go to?

7 A. We went to the new hospital, Avail Health.

8 Q. Avail on?

9 A. Nelson Road.

10 Q. Nelson Road.

11 MS. BILLEAUD:

12 What's it called, I'm sorry?

13 MR. DELPHIN:

14 Avail.

15 THE WITNESS:

16 Avail.

17 MR. DELPHIN:

18 A-v-a-i-l, the hospital with an E.R.
19 room.

20 Q. (Mr. Delphin) I want to read this to you
21 from the police report to see if -- if you
22 believe this is accurate. It says: "The
23 driver of Vehicle #1; that's the 18-
24 wheeler, stated that he thought that
25 apparently traffic was moving when he ran

Eugene Bargeman
December 4, 2019

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- 1 into the back of Vehicle #2. Vehicle #2
2 was then pushed into Vehicle #3 -- Vehicle
3 #3 being Ms. Dalal's vehicle.
- 4 A. Okay.
- 5 Q. That's true?
- 6 A. Yes.
- 7 Q. Okay. And the second paragraph, the
8 driver of Vehicle #2, I believe that's
9 your, Mr. Bargeman.
- 10 A. Uh-huh (yes.)
- 11 Q. Stated that he was stopped due to
12 congestion when he was struck from behind
13 by Vehicle #1, which would be the 18-
14 wheeler; that's true?
- 15 A. Yeah.
- 16 Q. And then he stated that he was pushed into
17 Vehicle #3; that's true?
- 18 A. Yes.
- 19 Q. And then it says the driver of Vehicle #3,
20 and that's Ms. Dalal, states that she was
21 stopped also due to congestion when
22 Vehicle #1 struck Vehicle #2, she was then
23 struck by Vehicle #2; so that's true?
- 24 A. Yes.
- 25 Q. Okay. Do you know whether any of the

Eugene Bargeman
December 4, 2019

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1 nothing to avoid the wreck, nor could Ms.
2 Dalal?

3 MS. BASH:

4 I want to object to form. You've got
5 two negatives goings, and I --

6 MR. DELPHIN:

7 Okay.

8 MS. BASH:

9 -- don't want a misunderstanding
10 later, I'm sorry.

11 MR. DELPHIN:

12 All right.

13 Q. (Mr. Delphin) So, if I'm understanding
14 correctly, there was nothing you could
15 have done to avoid the wreck?

16 A. No, sir.

17 Q. Okay. And --

18 MS. BASH:

19 No, he's not correct, or no, there was
20 nothing you could do to --

21 THE WITNESS:

22 Nothing I could have do to avoid the
23 wreck.

24 Q. (Mr. Delphin) Okay. And is it also true
25 that there was nothing that you know of

CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS

14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALTY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

STATE OF LOUISIANA

MEMORANDUM IN SUPPORT*MAY IT PLEASE THE COURT:*

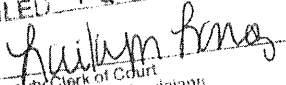
On February 28, 2018, plaintiffs, Rosalina Ayuyu Dalal and Christopher Lewis, claim they were injured when defendant, William J. Porter, II, failed to stop behind Eugene V. Bargeman, causing his vehicle to be propelled forward into Plaintiffs' vehicle. There is no genuine issue of material fact with respect to Bargeman's lack of negligence because he had his car under control, closely observed Plaintiffs' vehicle ahead of him, and followed at a safe distance. Plaintiffs' own testimony establishes that they felt a single impact. Porter caused the collision and subsequent chain reaction. Therefore, summary judgment should be granted in favor of Bargeman and Technology Insurance Company, Inc.

CALCASIEU CLERK -CDST
JAN 09 2020 AM 11:08:01**I. FACTUAL BACKGROUND**

Plaintiffs allege that they suffered damages arising from an accident that occurred on February 28, 2018 (the "Accident"). Plaintiffs came to a complete stop at a red traffic light on Nelson Road near the intersection with Woodlawn Drive in Lake Charles. Exhibit A, Depo. of Christopher Lewis at 49:4-8, 58:7-10. Bargeman came to a complete stop about 8 feet behind Plaintiffs' vehicle. Exhibit B, Depo. of Eugene Bargeman at 16:9-17. Porter was operating an 18-wheeler when he rear-ended Bargeman and propelled Bargeman's vehicle into the rear of Plaintiffs' vehicle. *Id.* at 21:5-9. Plaintiffs only felt one impact. Exhibit A at 61:16-17; Exhibit C, Depo. of Rosalina Dalal at 36:10-14.

II. PROCEDURAL BACKGROUND

Plaintiffs filed the instant lawsuit for claims arising out of the Accident on January 30, 2019, naming William J. Porter, II, Rose Land Development, L.L.C., and United Specialty Insurance Company as defendants. Plaintiffs filed the First Amending and Supplemental Petition for Damages on March 12, 2019, adding Eugene V. Bargeman and Technology Insurance Company, Inc. as defendants. The suit was removed to the United States District Court for the

FILED 1-6-2020

 Deputy Clerk of Court
 Calcasieu Parish, Louisiana



CIVIL SUIT NUMBER 2019-531
 Filing Date: 01/30/2020 12:00 AM
 Case Number: 2019-531
 Document Name: MEMORANDUM

Western District of Louisiana, Lake Charles Division by United Specialty Insurance Company on March 13, 2019 and subsequently remanded back to this Court on June 26, 2019.

The depositions of both Plaintiffs and Bargeman have been taken. Written discovery was propounded by all parties and was answered. No trial date is scheduled. This matter is ripe for summary judgment.

III. LAW AND ARGUMENT

There is no genuine issue of material fact with respect to Bargeman's lack of negligence. Testimony clearly establishes that Porter caused the collision and subsequent chain reaction. Below, Defendants outline the applicable law, the summary judgment standard, the list of essential legal elements, and the statement of uncontested facts.

A. Law and Argument

As this Court is well aware, the "driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway." La. R.S. § 32:81(A). In a rear-end collision, the following motorist is presumed to have breached this duty. *Leblanc v. Bouzon*, 14-1041, p. 3 (La. App. 3 Cir. 3/4/15), 159 So. 3d 1144, 1146. A following motorist may rebut the presumption by establishing that he had his car under control, closely observed the vehicle ahead of him, and followed at a safe distance. *Id.* When there is no evidence in a three-vehicle incident that the second vehicle contacted the first *before* being struck by the third, summary judgment is proper. *See id.* at 1149 (emphasis added). If testimony establishes that the second vehicle was at a complete stop before being struck from behind, the third vehicle "is presumed liable as the rear-ending motorist who caused the collision and subsequent chain reaction." *See id.*

The Accident at issue occurred on Nelson Road near the intersection with Woodlawn Drive in Lake Charles. Exhibit A at 49:4-8. Plaintiffs came to a complete stop at a red traffic light behind about six other vehicles. *Id.* at 58:7-15. Bargeman was a following motorist, but he did not breach his duty to Plaintiffs. Bargeman also came to a complete stop about 8 feet behind Plaintiffs' vehicle and did not slam on his brakes. Exhibit B at 16:9-17, 17:6-7. While waiting for the light to change, Bargeman saw Porter's 18-wheeler approaching. *Id.* at 11:19-22. Bargeman heard Porter accelerate and began to worry that his vehicle would be hit when Porter rear-ended Bargeman. *Id.* at 12:1-5, 13:13-16. Bargeman kept his foot on the brake, but the impact by Porter propelled his

vehicle into the rear of Plaintiffs' vehicle. *Id.* at 20:20-21, 21:5-9. Bargeman testified that there was nothing he could have done to avoid the Accident. *Id.* at 16:18-20. Bargeman kept his car under control, closely observed Plaintiffs' vehicle ahead of him, and followed at a safe distance. Plaintiffs did not notice the vehicle behind them until after impact and cannot show otherwise. *See* Exhibit A at 60:1-9; Exhibit C at 35:9-18. Thus, there is no genuine issue of material fact with respect to Bargeman's lack of negligence.

Further, there is no evidence that Bargeman struck Plaintiffs' vehicle before Porter struck his. Bargeman was at a complete stop behind Plaintiffs' vehicle when Porter rear-ended him, which pushed Bargeman's vehicle into the rear of Plaintiffs' vehicle. Exhibit B at 16:9-17, 21:5-9. Plaintiffs testified that they only felt one impact. Exhibit A at 61:16-17; Exhibit C at 36:10-14. It is clear that Porter should be presumed liable as the rear-ending motorist who caused the collision and subsequent chain reaction. *Bouzon*, 159 So. 3d at 1149. Summary judgment should be granted in favor of Bargeman and Technology Insurance Company, Inc.

B. Summary Judgment Standard

A court should grant a motion for summary judgment when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to material fact, and that the mover is entitled to judgment as a matter of law." *See* La. Code Civ. Proc. art. 966(A); *Babin v. Winn Dixie Louisiana, Inc.*, 00-0078, p. 3 (La. 6/30/00), 764 So. 2d 37, 39. A fact is considered material when its "existence or nonexistence may be essential to the plaintiff's cause of action under the applicable theory of recovery." *Hardy v. Bowie*, 98-2821, p. 6 (La. 9/8/99), 744 So. 2d 606, 610. Further, facts are material when they potentially ensure or preclude recovery, affect the litigant's ultimate success, or determine the outcome of the dispute. *Id.* There is no genuine issue of material fact, and the motion shall be granted if the adverse party fails to produce factual support to establish that he will be able to satisfy his burden of proof at trial. *See Hayes v. Autin*, 96-287, p. 6 (La. App. 3 Cir. 12/26/96), 685 So. 2d 691, 694, *writ denied*, 97-281 (La. 3/14/97), 690 So. 2d 41. Mere factual allegations without substance do not create a genuine issue of material fact and will not preclude summary judgment. *See Metropolitan Bank of Jefferson v. Summers*, 257 So. 2d 179 (La. App. 4 Cir. 1972), *writ refused*, 259 So. 2d 914 (La. 1972); *City of Baton Rouge v. Cannon*, 376 So. 2d 994 (La. App. 1 Cir. 1979).

C. List of Essential Legal Elements

Pursuant to Louisiana Rules of Court 9.10(a)(1), Defendants submit that there is no genuine issue of material fact because the evidence is clear that Bargeman was at a complete stop before being struck from behind by Porter and that Plaintiffs only felt one impact. *Leblanc v. Bouzon*, 14-1041, p. 3 (La. App. 3 Cir. 3/4/15), 159 So. 3d 1144, 1149. Therefore, Porter caused the collision and subsequent chain reaction, while Bargeman was not negligent.

D. Statement of Uncontested Material Facts

Pursuant to Louisiana Rules of Court 9.10(a)(2), Defendants submit that the following material facts are uncontested for purposes of this Motion:

- a. Plaintiffs were at a complete stop at a red traffic light when the Accident occurred. Exhibit A, Depo. of Christopher Lewis at 49:4-8, 58:7-10.
- b. Bargeman was at a complete stop about 8 feet behind Plaintiffs' vehicle when the Accident occurred. Exhibit B, Depo. of Eugene Bargeman at 16:9-17.
- c. Porter rear-ended Bargeman, which pushed Bargeman's vehicle into the rear of Plaintiffs' vehicle. Exhibit B, Depo. of Eugene Bargeman at 21:5-9.
- d. Plaintiffs did not notice the vehicle behind them until after contact and only felt one impact. Exhibit A, Depo. of Christopher Lewis at 60:1-9, 61:16-17; Exhibit C, Depo. of Rosalina Dalal at 35:9-18, 36:10-14.

Thus, Bargeman was not negligent and did not cause this accident.

IV. CONCLUSION

Bargeman did not breach his duty to Plaintiffs, as he had his car under control, closely observed Plaintiffs' vehicle ahead of him, and followed at a safe distance. Plaintiffs' own testimony establishes that they felt a single impact. On the other hand, Porter caused the collision and subsequent chain reaction. Therefore, this Motion for Summary Judgment should be granted, and Plaintiffs' claims against defendants, Eugene V. Bargeman and Technology Insurance Company, Inc., should be dismissed, with prejudice, in their entirety.

Respectfully Submitted,

FAIRCLOTH MELTON SOBEL & BASH, LLC

BY: 

Lottie L. Bash (Bar Roll #26186)

lbash@fairclothlaw.com

Laura Beth Matthews (Bar Roll #33862)

lmatthews@fairclothlaw.com

Christopher M. Chesne (Bar Roll #38696)

cchesne@fairclothlaw.com

105 Yorktown Drive
Alexandria, Louisiana 71303
Phone: (318) 619-7755
Fax: (318) 619-7744

Franklin "Drew" Hoffmann (Bar Roll #35824)
dhoffmann@faireclothlaw.com
Madaline King (Bar Roll #38301)
mking@faireclothlaw.com
Phone: (225) 343-9535
Fax: (225) 343-9538

**ATTORNEYS FOR EUGENE V. BARGEMAN and
TECHNOLOGY INSURANCE COMPANY, INC.**


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has been sent to all known counsel of record via U.S. mail, postage paid, namely:

Mark A. Delphin
Arthur J. O'Keefe
Delphin Law Offices
626 Broad Street
Lake Charles, Louisiana 70601

Jean Ann Billeaud
Lewis Brisbois Bisgaard & Smith, LLP
100 East Vermilion Street, Suite 300
Lafayette, Louisiana 70501

Baton Rouge, Louisiana, this 6th day of January, 2020.



OF COUNSEL

1 18-wheeler.
2 A That is correct.
3 Q All right. And did you notice the 18-wheeler
4 before the accident?
5 A No, I did not.
6 Q Now, what you said earlier is that you heard
7 the boom. Is that your first notice there was
8 an accident was the noise?
9 A Yes.
10 Q And you said you went forward?
11 A Yeah. I went like that (gesturing).
12 Q So there was one boom?
13 A Yeah, it was one boom.
14 Q And one time you went forward?
15 A One time.
16 Q So one impact?
17 A One impact.
18 Q I assume at some point you got out of the car?
19 You got out of the car at some point?
20 A Yes.
21 Q Did you speak to the driver of the SUV?
22 A No, I did not.
23 Q Did you overhear anything said by the driver of
24 the SUV?
25 A He just said -- yes, I did overhear.

1 Q What did you overhear?

2 A I just heard that he was telling Ms. Rose that
3 we both was hit.

4 Q Any reason to dispute that statement by him?

5 A No.

6 Q I understand there was a lady in the car --

7 A That's correct.

8 Q -- with the SUV driver?

9 A Yes.

10 Q Did you ever speak with her?

11 A No, ma'am.

12 Q Did you overhear anything she may have said?

13 A No, ma'am. She stayed in the car the whole
14 time.

15 Q Did you speak with the driver of the
16 18-wheeler?

17 A No, I did not.

18 Q Did you overhear anything the driver of the
19 18-wheeler said?

20 A No.

21 Q The driver of the SUV, I'm going to represent
22 to you, is a man named Eugene Bargeman. Did
23 you know him before the accident?

24 A No, I didn't.

25 Q Have you ever spoken to Eugene Bargeman after

1 the accident?

2 A I didn't, no.

3 Q Do you know of anyone that has? Let me
4 rephrase that. I'm sorry. That's probably a
5 bad question.

6 After the day of the accident, do you know
7 of anyone that spoke with Mr. Bargeman?

8 A I'm not -- I can't recall that, no.

9 Q You didn't speak to him?

10 A No, I didn't.

11 Q To the best of your knowledge, Ms. Rose didn't
12 speak to him?

13 A Not that I remember, no.

14 Q Mr. Bargeman was working for a company called
15 Nissan of Lake Charles at the time of the
16 accident. Have you ever spoken to anyone from
17 Nissan of Lake Charles about this accident?

18 A No, ma'am.

19 Q Did you ever speak to any of the insurance --
20 any person from the insurance carrier for
21 either Mr. Bargeman or Nissan of Lake Charles
22 besides myself today?

23 A No, ma'am.

24 Q Fair statement: You can't estimate how fast
25 the 18-wheeler was traveling?

1 A I cannot, no, ma'am.

2 Q Did you have any bruises, contusions, or cuts
3 after the accident?

4 A No, ma'am. No.

5 Q Other than Ms. Rose's hematoma, which she had
6 before the accident, did you see any bruises or
7 cuts or contusions on her?

8 A No.

9 Q Now, if I understood you properly, you didn't
10 feel any pain until after you got to the ER and
11 the doctor?

12 A That's correct.

13 Q Did Ms. Rose complain of any pain at the scene
14 of the accident?

15 A Not at the scene, no.

16 Q When did she first complain of any pain or
17 discomfort?

18 A When we was in the ER, and me and her was
19 waiting for about almost two-and-a-half to
20 three hours, and that's when she asked the
21 receptionist at the hospital, "What's going on?
22 Why it's taking so long because I'm hurting in
23 my back." That's when I remember she was
24 complaining, was her back.

25 Q Now, on the day of the accident, was Ms. Rose

1 taking her daily medications?

2 A Before the accident, yes.

3 Q Same medications she took daily and was used to
4 taking; is that fair?

5 A Yes.

6 Q There's no reason for you to suspect drug or
7 alcohol was part of this accident in any way;
8 is that correct?

9 A That's correct.

10 Q And, to the best of your knowledge, Ms. Rose
11 didn't have anything alcoholic to drink in the
12 eight hours before the accident?

13 A That's correct.

14 Q Did you ever observe any skid marks?

15 A No.

16 Q Did any part of your body come in contact with
17 any part of the car?

18 A Not that I can recall.

19 Q Besides the driver of the 18-wheeler, the
20 driver of the SUV, the lady in the car of the
21 SUV, Ms. Rose and yourself, are you aware of
22 any other eyewitnesses to this accident?

23 A No, ma'am.

24 Q Do you know anything about any tickets that may
25 have been issued at the time of the accident?

CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS

14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALTY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

STATE OF LOUISIANA

ORDER

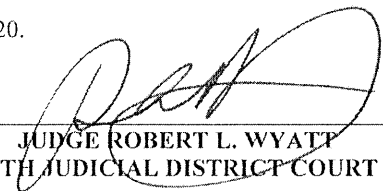
CONSIDERING the foregoing Motion for Summary Judgment by Eugene V. Bargeman and Technology Insurance Company, Inc.,

IT IS ORDERED that plaintiffs, Rosalina Ayuyu Dalal and Christopher Lewis, show cause in this Court on the 20th day of February, 2020, at 9:00 A.m. why Summary Judgment should not be rendered in favor of these Defendants, dismissing the claims of Plaintiffs against defendants, Eugene V. Bargeman and Technology Insurance Company, Inc., with prejudice, in their entirety.

D4

THUS DONE AND SIGNED at Calcasieu Parish, Louisiana, this 10th day of

January, 2020.


JUDGE ROBERT L. WYATT
14TH JUDICIAL DISTRICT COURT

CALCASIEU CLERK-COST
JAN 09 2020 AM 11:02:57

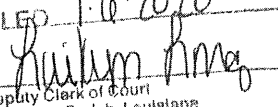
PLEASE SET THE HEARING AT LEAST 60 DAYS FROM THIS ORDER:
TO ASSURE COMPLIANCE WITH THE SUMMARY JUDGMENT RULES
THAT A) A HEARING MAY ONLY BE SET AT LEAST 30 DAYS AFTER THE
FILING, AND B) OPPOSING PARTIES MUST BE SERVED WITH THE ORDER
AT LEAST 30 DAYS PRIOR TO THE HEARING.

PLEASE SERVE:

Plaintiffs, Rosalina Ayuyu Dalal and Christopher Lewis,
through their counsel of record,
Mark A. Delphin
Arthur J. O'Keefe
Delphin Law Offices
626 Broad Street
Lake Charles, Louisiana 70601

Defendants, Williams J. Porter, II, Rose Land Development, L.L.C.,
and United Specialty Insurance Company,
through their counsel of record,
Jean Ann Billeaud
Lewis Brisbois Bisgaard & Smith, LLP
100 East Vermilion Street, Suite 300
Lafayette, Louisiana 70501

FILED

1-6-2020

Deputy Clerk of Court
Calcasieu Parish, Louisiana

3



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Filing Date: 01/09/2020 12:01 AM
Case Number: 2019-531
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CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS

14TH JUDICIAL DISTRICT COURT

1 Conf ✓

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALTY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

STATE OF LOUISIANA

**MOTION FOR SUMMARY JUDGMENT BY EUGENE V. BARGEMAN
AND TECHNOLOGY INSURANCE COMPANY, INC.**

NOW INTO COURT COME Eugene V. Bargeman and Technology Insurance Company, Inc., named defendants herein and through undersigned counsel, and respectfully submit this Motion for Summary Judgment pursuant to Louisiana Code of Civil Procedure articles 966 and 967, and respectfully plead as follows:

CALCASIEU CLERK-COST
JAN 09 2020 11:02:52

D4

1.

For the reasons more fully stated in the Memorandum in Support, incorporated herein by reference, along with the attached exhibits, there is no genuine issue of material fact as to Bargeman's lack of negligence because he had his car under control, closely observed Plaintiffs' vehicle ahead of him, and followed at a safe distance. Plaintiffs' own testimony establishes that Bargeman did not impact Plaintiffs before William J. Porter, II rear-ended him, causing the collision. Therefore, this Motion should be granted.

2.

Submitted in support of this Motion, and incorporated via reference, are the following exhibits:

Exhibit A: Excerpts from the Deposition of Christopher Lewis;

Exhibit B: Excerpts from the Deposition of Eugene Bargeman; and

Exhibit C: Excerpts from the Deposition of Rosalina Dalal.

WHEREFORE, defendants, Eugene V. Bargeman and Technology Insurance Company, Inc., pray that this Motion for Summary Judgment be found good and sufficient and that after due proceedings are had in a contradictory hearing, a judgment be rendered GRANTING this Motion for Summary Judgment.

FILED 1-6-2020
Kaitlyn King
Deputy Clerk of Court
Calcasieu Parish, Louisiana

SO. CALCASIEU
JAN 15 2020
BY: _____

1

Date 1-9-2020
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Filing Date: 01/09/2020 11:02 AM Page Count: 1
Case Number: 2019-531
Document Name: MOTION FOR SUMMARY JUDGMENT

Respectfully Submitted,

FAIRCLOTH MELTON SOBEL & BASH, LLC

BY: Madalin King
Lottie L. Bash (Bar Roll #26186)
lbash@fairclothlaw.com
Laura Beth Matthews (Bar Roll #33862)
lmatthews@fairclothlaw.com
Christopher M. Chesne (Bar Roll #38696)
cchesne@fairclothlaw.com
105 Yorktown Drive
Alexandria, Louisiana 71303
Phone: (318) 619-7755
Fax: (318) 619-7744

Franklin "Drew" Hoffmann (Bar Roll #35824)
dhoffmann@fairclothlaw.com
Madaline King (Bar Roll #38301)
mking@fairclothlaw.com
Phone: (225) 343-9535
Fax: (225) 343-9538

**ATTORNEYS FOR EUGENE V. BARGEMAN and
TECHNOLOGY INSURANCE COMPANY, INC.**

2/7c 1-10-2020 "D" - fax-

FAIRCLOTH MELTON SOBEL & BASH, LLC

ATTORNEYS

JIMMY R. FAIRCLOTH, JR.^{1,2}
BARBARA BELL MELTON
DAVID R. SOBEL³
LOTTIE L. BASH

105 YORKTOWN DRIVE
ALEXANDRIA, LA 71303
Phone (225) 343-9535
Fax (225) 343-9538

NATHAN W. FRIEDMAN
MADALINE KING
MARY KATHERINE PRICE
CHRISTOPHER M. CHESNE
RICHARD "ERICK" NOREM, III

FRANKLIN "DREW" HOFFMANN
LAURA BETH MATTHEWS

www.fairclothlaw.com

¹ L.L.M. IN LITIGATION

² ALSO ADMITTED IN GEORGIA

³ ALSO ADMITTED IN TEXAS

January 6, 2020

VIA FAX AND U.S. MAIL

Hon. H. Lynn Jones, II
Calcasieu Parish Clerk of Court
1000 Ryan Street
Lakes Charles, Louisiana 70601
Fax: 337-437-3206

CALCASIEU CLERK-COST
JAN 09 2020 AM 11:02:45

Re: Rosalina Ayuyu Dalal, et al. v. United Specialty Insurance Company, et al.
Civil Suit No: 2019-531
14th Judicial District Court, State of Louisiana

Dear Clerk:

Please find enclosed a Motion for Summary Judgment by Eugene V. Bargeman and Technology Insurance Company, Inc., an Order, and a Memorandum in Support, to be filed in the above mentioned suit. Please present the Order to the judge for signature and serve according to the instructions on the Order. Please also return a copy of the signed Order in the enclosed self-addressed stamped envelope.

Please advise of costs of filing and we will remit payment as well as originals promptly. Of course, should you have any questions, please feel free to contact our office.

Sincerely,

FAIRCLOTH MELTON SOBEL & BASH, LLC

By:

Madaline King
Madaline King
mking@fairclothlaw.com

FILED 1-6-2020 - Fax Filed -
Franklin Hoffmann
Deputy Clerk of Court
Calcasieu Parish, Louisiana

MK/mn

Enclosure



C M S 6 7 1 3 8 8 9
Filing Date: 01/30/2020 1:00 PM Page 2 of 2
Case Number: 2019-531
Document Name: LETTER

Hon. H. Lynn Jones
January 6, 2020
Page 2

cc: Mark A. Delphin
Arthur J. O'Keefe
Delphin Law Offices
626 Broad Street
Lake Charles, Louisiana 70601

Jean Ann Billeaud
Lewis Brisbois Bisgaard & Smith, LLP
100 East Vermilion Street, Suite 300
Lafayette, Louisiana 70501

JAN 16 2020 11:15E 2253435538

FAIRCLOTH, LLC

JAN 16

FAIRCLOTH MELTON SOBEL & BASH, LLC**ATTORNEYS**

JIMMY R. FAIRCLOTH, JR., L.L.C.
 BARBARA BELL MELTON
 DAVID R. SOBEL¹
 LOTTIE L. BASH

FRANKLIN "DREW" HOFFMANN
 LAURA BETH MATTHEWS

105 YORKTOWN DRIVE
 ALEXANDRIA, LA 71303
 Phone (225) 343-9535
 Fax (225) 343-9538

www.fairclothlaw.com

NATHAN W. FRIEDMAN
 MADALINE KING
 MARY KATHERINE PRICE
 CHRISTOPHER M. CHESNE
 RICHARD "ERICK" NOREX, III

¹ U.S. ATTORNEY
² ALSO ADMITTED IN GEORGIA
³ ALSO ADMITTED IN TEXAS

January 6, 2020

VIA FAX AND U.S. MAIL

Hon. H. Lynn Jones, II
Calcasieu Parish Clerk of Court
 1000 Ryan Street
 Lakes Charles, Louisiana 70601
 Fax: 337-437-3206

Re: Rosalina Ayuyu Dalal, et al. v. United Specialty Insurance Company, et al.
 Civil Suit No: 2019-531
 14th Judicial District Court, State of Louisiana

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Please advise of costs of filing and we will remit payment as well as originals promptly. Of course, should you have any questions, please feel free to contact our office.

Sincerely,

FAIRCLOTH MELTON SOBEL & BASH, LLC

By: Madaline King
 Madaline King
 mking@fairclothlaw.com

MK/mn

Enclosure



Filing Date: 01/30/2020 11:15 AM
 Case Number: 19-000531
 Document Name: FAX FILE FEE

Page Count: 42

FILED 1-6-2020
Kathryn King
 Deputy Clerk of Court
 Calcasieu Parish, Louisiana

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106 Jan 2020 11:15E 2258343553E

FFA Inc bchf .law

01/02

Hon. H. Lynn Jones
January 6, 2020
Page 2

cc: Mark A. Delphin
Arthur J. O'Keefe
Delphin Law Offices
626 Broad Street
Lake Charles, Louisiana 70601

Jean Ann Billeaud
Lewis Brisbois Bisgaard & Smith, LLP
100 East Vermilion Street, Suite 300
Lafayette, Louisiana 70501

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CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS

14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALTY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

STATE OF LOUISIANA

**MOTION FOR SUMMARY JUDGMENT BY EUGENE V. BARGEMAN
AND TECHNOLOGY INSURANCE COMPANY, INC.**

NOW INTO COURT COME Eugene V. Bargeman and Technology Insurance Company, Inc., named defendants herein and through undersigned counsel, and respectfully submit this Motion for Summary Judgment pursuant to Louisiana Code of Civil Procedure articles 966 and 967, and respectfully plead as follows:

1.

For the reasons more fully stated in the Memorandum in Support, incorporated herein by reference, along with the attached exhibits, there is no genuine issue of material fact as to Bargeman's lack of negligence because he had his car under control, closely observed Plaintiffs' vehicle ahead of him, and followed at a safe distance. Plaintiffs' own testimony establishes that Bargeman did not impact Plaintiffs before William J. Porter, II rear-ended him, causing the collision. Therefore, this Motion should be granted.

2.

Submitted in support of this Motion, and incorporated via reference, are the following exhibits:

- Exhibit A:** Excerpts from the Deposition of Christopher Lewis;
Exhibit B: Excerpts from the Deposition of Eugene Bargeman; and
Exhibit C: Excerpts from the Deposition of Rosalina Dalal.

WHEREFORE, defendants, Eugene V. Bargeman and Technology Insurance Company, Inc., pray that this Motion for Summary Judgment be found good and sufficient and that after due proceedings are had in a contradictory hearing, a judgment be rendered GRANTING this Motion for Summary Judgment.

1

FILED 1-6-2020
Eugene V. Bargeman
 Deputy Clerk of Court
 Calcasieu Parish, Louisiana

RECEIVED TIME JAN. 6. 11:16AM

Respectfully Submitted,

FAIRCLOTH MELTON SOBEL & BASH, LLC

BY: Madeline King
Lottie L. Bash (Bar Roll #26186)
lbash@fairclothlaw.com
Laura Beth Matthews (Bar Roll #33862)
lmatthews@fairclothlaw.com
Christopher M. Chesne (Bar Roll #38696)
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Fax: (318) 619-7744

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dhoffmann@fairclothlaw.com
Madeline King (Bar Roll #38301)
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Fax: (225) 343-9538

**ATTORNEYS FOR EUGENE V. BARGEMAN and
TECHNOLOGY INSURANCE COMPANY, INC.**

CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS

14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALTY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

STATE OF LOUISIANA

ORDER

CONSIDERING the foregoing Motion for Summary Judgment by Eugene V. Bargeman and Technology Insurance Company, Inc.,

IT IS ORDERED that plaintiffs, Rosalina Ayuyu Dalal and Christopher Lewis, show cause in this Court on the _____ day of _____, 2020, at _____ m. why Summary Judgment should not be rendered in favor of these Defendants, dismissing the claims of Plaintiffs against defendants, Eugene V. Bargeman and Technology Insurance Company, Inc., with prejudice, in their entirety.

THUS DONE AND SIGNED at Calcasieu Parish, Louisiana, this _____ day of _____, 2020.

JUDGE ROBERT L. WYATT
14TH JUDICIAL DISTRICT COURT

PLEASE SET THE HEARING AT LEAST 60 DAYS FROM THIS ORDER:
TO ASSURE COMPLIANCE WITH THE SUMMARY JUDGMENT RULES
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through their counsel of record,
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Arthur J. O'Keefe
Delphin Law Offices
626 Broad Street
Lake Charles, Louisiana 70601

**Defendants, Williams J. Porter, II, Rose Land Development, L.L.C.,
and United Specialty Insurance Company,**
through their counsel of record,
Jean Ann Billeaud
Lewis Brisbois Bisgaard & Smith, LLP
100 East Vermilion Street, Suite 300
Lafayette, Louisiana 70501

CIVIL SUIT NUMBER 2019-531

ROSALINA AYUYU DALAL AND
CHRISTOPHER LEWIS

14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

UNITED SPECIALTY INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, L.L.C. and
WILLIAM J. PORTER, II

STATE OF LOUISIANA

MEMORANDUM IN SUPPORT*MAY IT PLEASE THE COURT:*

On February 28, 2018, plaintiffs, Rosalina Ayuyu Dalal and Christopher Lewis, claim they were injured when defendant, William J. Porter, II, failed to stop behind Eugene V. Bargeman, causing his vehicle to be propelled forward into Plaintiffs' vehicle. There is no genuine issue of material fact with respect to Bargeman's lack of negligence because he had his car under control, closely observed Plaintiffs' vehicle ahead of him, and followed at a safe distance. Plaintiffs' own testimony establishes that they felt a single impact. Porter caused the collision and subsequent chain reaction. Therefore, summary judgment should be granted in favor of Bargeman and Technology Insurance Company, Inc.

I. FACTUAL BACKGROUND

Plaintiffs allege that they suffered damages arising from an accident that occurred on February 28, 2018 (the "Accident"). Plaintiffs came to a complete stop at a red traffic light on Nelson Road near the intersection with Woodlawn Drive in Lake Charles. Exhibit A, Depo. of Christopher Lewis at 49:4-8, 58:7-10. Bargeman came to a complete stop about 8 feet behind Plaintiffs' vehicle. Exhibit B, Depo. of Eugene Bargeman at 16:9-17. Porter was operating an 18-wheeler when he rear-ended Bargeman and propelled Bargeman's vehicle into the rear of Plaintiffs' vehicle. *Id.* at 21:5-9. Plaintiffs only felt one impact. Exhibit A at 61:16-17; Exhibit C, Depo. of Rosalina Dalal at 36:10-14.

II. PROCEDURAL BACKGROUND

Plaintiffs filed the instant lawsuit for claims arising out of the Accident on January 30, 2019, naming William J. Porter, II, Rose Land Development, L.L.C., and United Specialty Insurance Company as defendants. Plaintiffs filed the First Amending and Supplemental Petition for Damages on March 12, 2019, adding Eugene V. Bargeman and Technology Insurance Company, Inc. as defendants. The suit was removed to the United States District Court for the

Western District of Louisiana, Lake Charles Division by United Specialty Insurance Company on March 13, 2019 and subsequently remanded back to this Court on June 26, 2019.

The depositions of both Plaintiffs and Bargeman have been taken. Written discovery was propounded by all parties and was answered. No trial date is scheduled. This matter is ripe for summary judgment.

III. LAW AND ARGUMENT

There is no genuine issue of material fact with respect to Bargeman's lack of negligence. Testimony clearly establishes that Porter caused the collision and subsequent chain reaction. Below, Defendants outline the applicable law, the summary judgment standard, the list of essential legal elements, and the statement of uncontested facts.

A. Law and Argument

As this Court is well aware, the "driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway." La. R.S. § 32:81(A). In a rear-end collision, the following motorist is presumed to have breached this duty. *Leblanc v. Bouzon*, 14-1041, p. 3 (La. App. 3 Cir. 3/4/15), 159 So. 3d 1144, 1146. A following motorist may rebut the presumption by establishing that he had his car under control, closely observed the vehicle ahead of him, and followed at a safe distance. *Id.* When there is no evidence in a three-vehicle incident that the second vehicle contacted the first *before* being struck by the third, summary judgment is proper. *See id.* at 1149 (emphasis added). If testimony establishes that the second vehicle was at a complete stop before being struck from behind, the third vehicle "is presumed liable as the rear-ending motorist who caused the collision and subsequent chain reaction." *See id.*

The Accident at issue occurred on Nelson Road near the intersection with Woodlawn Drive in Lake Charles. Exhibit A at 49:4-8. Plaintiffs came to a complete stop at a red traffic light behind about six other vehicles. *Id.* at 58:7-15. Bargeman was a following motorist, but he did not breach his duty to Plaintiffs. Bargeman also came to a complete stop about 8 feet behind Plaintiffs' vehicle and did not slam on his brakes. Exhibit B at 16:9-17, 17:6-7. While waiting for the light to change, Bargeman saw Porter's 18-wheeler approaching. *Id.* at 11:19-22. Bargeman heard Porter accelerate and began to worry that his vehicle would be hit when Porter rear-ended Bargeman. *Id.* at 12:1-5, 13:13-16. Bargeman kept his foot on the brake, but the impact by Porter propelled his

vehicle into the rear of Plaintiffs' vehicle. *Id.* at 20:20-21, 21:5-9. Bargeman testified that there was nothing he could have done to avoid the Accident. *Id.* at 16:18-20. Bargeman kept his car under control, closely observed Plaintiffs' vehicle ahead of him, and followed at a safe distance. Plaintiffs did not notice the vehicle behind them until after impact and cannot show otherwise. *See* Exhibit A at 60:1-9; Exhibit C at 35:9-18. Thus, there is no genuine issue of material fact with respect to Bargeman's lack of negligence.

Further, there is no evidence that Bargeman struck Plaintiffs' vehicle before Porter struck his. Bargeman was at a complete stop behind Plaintiffs' vehicle when Porter rear-ended him, which pushed Bargeman's vehicle into the rear of Plaintiffs' vehicle. Exhibit B at 16:9-17, 21:5-9. Plaintiffs testified that they only felt one impact. Exhibit A at 61:16-17; Exhibit C at 36:10-14. It is clear that Porter should be presumed liable as the rear-ending motorist who caused the collision and subsequent chain reaction. *Bouzon*, 159 So. 3d at 1149. Summary judgment should be granted in favor of Bargeman and Technology Insurance Company, Inc.

B. Summary Judgment Standard

A court should grant a motion for summary judgment when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to material fact, and that the mover is entitled to judgment as a matter of law." *See* La. Code Civ. Proc. art. 966(A); *Babin v. Winn Dixie Louisiana, Inc.*, 00-0078, p. 3 (La. 6/30/00), 764 So. 2d 37, 39. A fact is considered material when its "existence or nonexistence may be essential to the plaintiff's cause of action under the applicable theory of recovery." *Hardy v. Bowie*, 98-2821, p. 6 (La. 9/8/99), 744 So. 2d 606, 610. Further, facts are material when they potentially ensure or preclude recovery, affect the litigant's ultimate success, or determine the outcome of the dispute. *Id.* There is no genuine issue of material fact, and the motion shall be granted if the adverse party fails to produce factual support to establish that he will be able to satisfy his burden of proof at trial. *See Hayes v. Autin*, 96-287, p. 6 (La. App. 3 Cir. 12/26/96), 685 So. 2d 691, 694, *writ denied*, 97-281 (La. 3/14/97), 690 So. 2d 41. Mere factual allegations without substance do not create a genuine issue of material fact and will not preclude summary judgment. *See Metropolitan Bank of Jefferson v. Summers*, 257 So. 2d 179 (La. App. 4 Cir. 1972), *writ refused*, 259 So. 2d 914 (La. 1972); *City of Baton Rouge v. Cannon*, 376 So. 2d 994 (La. App. 1 Cir. 1979).

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C. List of Essential Legal Elements

Pursuant to Louisiana Rules of Court 9.10(a)(1), Defendants submit that there is no genuine issue of material fact because the evidence is clear that Bargeman was at a complete stop before being struck from behind by Porter and that Plaintiffs only felt one impact. *Leblanc v. Bouzon*, 14-1041, p. 3 (La. App. 3 Cir. 3/4/15), 159 So. 3d 1144, 1149. Therefore, Porter caused the collision and subsequent chain reaction, while Bargeman was not negligent.

D. Statement of Uncontested Material Facts

Pursuant to Louisiana Rules of Court 9.10(a)(2), Defendants submit that the following material facts are uncontested for purposes of this Motion:

- a. Plaintiffs were at a complete stop at a red traffic light when the Accident occurred. Exhibit A, Depo. of Christopher Lewis at 49:4-8, 58:7-10.
- b. Bargeman was at a complete stop about 8 feet behind Plaintiffs' vehicle when the Accident occurred. Exhibit B, Depo. of Eugene Bargeman at 16:9-17.
- c. Porter rear-ended Bargeman, which pushed Bargeman's vehicle into the rear of Plaintiffs' vehicle. Exhibit B, Depo. of Eugene Bargeman at 21:5-9.
- d. Plaintiffs did not notice the vehicle behind them until after contact and only felt one impact. Exhibit A, Depo. of Christopher Lewis at 60:1-9, 61:16-17; Exhibit C, Depo. of Rosalina Dalal at 35:9-18, 36:10-14.

Thus, Bargeman was not negligent and did not cause this accident.

IV. CONCLUSION

Bargeman did not breach his duty to Plaintiffs, as he had his car under control, closely observed Plaintiffs' vehicle ahead of him, and followed at a safe distance. Plaintiffs' own testimony establishes that they felt a single impact. On the other hand, Porter caused the collision and subsequent chain reaction. Therefore, this Motion for Summary Judgment should be granted, and Plaintiffs' claims against defendants, Eugene V. Bargeman and Technology Insurance Company, Inc., should be dismissed, with prejudice, in their entirety.

Respectfully Submitted,

FAIRCLOTH MELTON SOBEL & BASH, LLC

BY: Madali Bash
 Lottie L. Bash (Bar Roll #26186)
 lbash@faireclothlaw.com
 Laura Beth Matthews (Bar Roll #33862)
 lmatthews@faireclothlaw.com
 Christopher M. Chesne (Bar Roll #38696)
 cchesne@faireclothlaw.com

105 Yorktown Drive
Alexandria, Louisiana 71303
Phone: (318) 619-7755
Fax: (318) 619-7744

Franklin "Drew" Hoffmann (Bar Roll #35824)
dhoffmann@faireclothlaw.com
Madaline King (Bar Roll #38301)
mking@faireclothlaw.com
Phone: (225) 343-9535
Fax: (225) 343-9538

**ATTORNEYS FOR EUGENE V. BARGEMAN and
TECHNOLOGY INSURANCE COMPANY, INC.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has been sent to all known
counsel of record via U.S. mail, postage paid, namely:

Mark A. Delphin
Arthur J. O'Keefe
Delphin Law Offices
626 Broad Street
Lake Charles, Louisiana 70601

Jean Ann Billeaud
Lewis Brisbois Bisgaard & Smith, LLP
100 East Vermilion Street, Suite 300
Lafayette, Louisiana 70501

Baton Rouge, Louisiana, this 6th day of January, 2020.

Madelin M.
OF COUNSEL

1

14TH JUDICIAL DISTRICT COURT
PARISH OF CALCASIEU
STATE OF LOUISIANA

ROSALINA AYUYU DALAL AND :
CHRISTOPHER T. LEWIS :

VS.

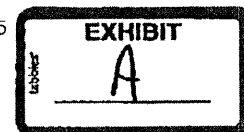
NO. 2019-531 D

UNITED SPECIALTY :
INSURANCE COMPANY, :
ROSELAND DEVELOPMENT, LLC :
AND WILLIAM J. PORTER, II :

DEPOSITION OF CHRISTOPHER LEWIS

The oral deposition of **CHRISTOPHER LEWIS** was
taken in the above-entitled cause, pursuant to the
following stipulations, before Julie H. Georgia,
Certified Court Reporter, at the Delphin Law
Offices, 626 Broad Street, Lake Charles, Louisiana,
on the 4th day of December 2019, beginning at
11:32 a.m.

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1 traveled before, before February 28, 2018?

2 A I'm sorry. I'm not understanding your

3 question.

4 Q Sure. Where did this accident take place?

5 A Nelson Road.

6 Q And was it near the intersection with Woodlawn

7 Drive?

8 A Yes.

9 Q Is that an area in Lake Charles that you had

10 been before the accident?

11 A I'm not understanding. Are you asking have I

12 traveled on that road before?

13 Q Yes, sir, before the accident.

14 A No. I don't drive, so --

15 Q Okay.

16 A I didn't drive at the time. I don't drive. My

17 mom always drove.

18 Q Okay.

19 A So I was just riding with her. If we go to

20 Walmart, yes, we'll be on that road. We went a

21 couple of times before the accident, way before

22 the accident, but she always drove. I always

23 just rode with her. So I never drove, no.

24 Q Do you have a car?

25 A No.

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- 1 A Right. Because during the rush hour, it's
2 heavy traffic, so we thought we'd just take the
3 highway to get there.
- 4 Q At the time of the accident, what were y'all
5 doing? What was the car doing at the time of
6 the accident?
- 7 A It was stopped. We was at a red light. We had
8 about a few cars in front of us, and it was a
9 complete stop, and the light was still red at
10 the time.
- 11 Q The few cars -- some people mean different
12 things by "few." I think of the number 2. I
13 want to ask you: How many cars to you means a
14 few?
- 15 A About six.
- 16 Q Okay. Six. And as far as you could tell,
17 everybody in front of you was still stopped; is
18 that correct?
- 19 A Correct.
- 20 Q How long had you been stopped before the impact
21 occurred?
- 22 A About a minute, one minute.
- 23 Q Now, I'm assuming that you didn't look at a
24 timer for that. That's just your best
25 estimate; is that fair?

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- 1 A That's correct.
- 2 Q And what were you and Ms. Rose doing while you
- 3 were waiting for that light to change and the
- 4 cars to move?
- 5 A We were just talking, just talking about
- 6 nothing in general, like nothing bad or
- 7 anything. We were just talking. Like we just
- 8 talked -- we wasn't listening to music that
- 9 day. We were just talking, you know, looking
- 10 at the light.
- 11 Q Do you know what the speed limit is in that
- 12 area?
- 13 A 45.
- 14 Q And did you notice -- strike that.
- 15 What type of car were y'all in?
- 16 A 2016 red Kia Forte.
- 17 Q That was Ms. Rose's car?
- 18 A That is correct.
- 19 Q You heard her testify about when she sold it
- 20 and the repairs and everything?
- 21 A Yes.
- 22 Q That all sounded accurate to you?
- 23 A Yes.
- 24 Q I understand there was an SUV behind you.
- 25 A That's correct.

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- 1 Q Did you notice the SUV before the accident?
- 2 A No, I did not.
- 3 Q When's the first time you noticed the SUV?
- 4 A When we heard the boom. I heard the boom, and
- 5 I just noticed after we went forward like that
- 6 for a second. Ms. Rose asked me if I'm okay,
- 7 and I asked her if she's okay. We said we're
- 8 okay. I looked behind me like this first
- 9 (gesturing), and that's when I saw the SUV.
- 10 Q And just so the record is clear, you looked
- 11 over your left shoulder to the back?
- 12 A Yes, because I'm in the passenger's seat.
- 13 That's why I looked that way. If I looked that
- 14 way (indicating), I'm not going to see
- 15 anything.
- 16 Q Did you have your seatbelt on?
- 17 A Yes, I did.
- 18 Q Did Ms. Rose have her seatbelt on?
- 19 A That is correct.
- 20 Q Did any airbag deploy?
- 21 A No.
- 22 Q I understand there was a truck involved in this
- 23 accident?
- 24 A That's correct.
- 25 Q And when I say truck, I'm talking about an

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1 18-wheeler.
2 A That is correct.
3 Q All right. And did you notice the 18-wheeler
4 before the accident?
5 A No, I did not.
6 Q Now, what you said earlier is that you heard
7 the boom. Is that your first notice there was
8 an accident was the noise?
9 A Yes.
10 Q And you said you went forward?
11 A Yeah. I went like that (gesturing).
12 Q So there was one boom?
13 A Yeah, it was one boom.
14 Q And one time you went forward?
15 A One time.
16 Q So one impact?
17 A One impact.
18 Q I assume at some point you got out of the car?
19 You got out of the car at some point?
20 A Yes.
21 Q Did you speak to the driver of the SUV?
22 A No, I did not.
23 Q Did you overhear anything said by the driver of
24 the SUV?
25 A He just said -- yes, I did overhear.

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- 1 Q What did you overhear?
- 2 A I just heard that he was telling Ms. Rose that
- 3 we both was hit.
- 4 Q Any reason to dispute that statement by him?
- 5 A No.
- 6 Q I understand there was a lady in the car --
- 7 A That's correct.
- 8 Q -- with the SUV driver?
- 9 A Yes.
- 10 Q Did you ever speak with her?
- 11 A No, ma'am.
- 12 Q Did you overhear anything she may have said?
- 13 A No, ma'am. She stayed in the car the whole
- 14 time.
- 15 Q Did you speak with the driver of the
- 16 18-wheeler?
- 17 A No, I did not.
- 18 Q Did you overhear anything the driver of the
- 19 18-wheeler said?
- 20 A No.
- 21 Q The driver of the SUV, I'm going to represent
- 22 to you, is a man named Eugene Bargeman. Did
- 23 you know him before the accident?
- 24 A No, I didn't.
- 25 Q Have you ever spoken to Eugene Bargeman after

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1 the accident?

2 A I didn't, no.

3 Q Do you know of anyone that has? Let me

4 rephrase that. I'm sorry. That's probably a

5 bad question.

6 After the day of the accident, do you know

7 of anyone that spoke with Mr. Bargeman?

8 A I'm not -- I can't recall that, no.

9 Q You didn't speak to him?

10 A No, I didn't.

11 Q To the best of your knowledge, Ms. Rose didn't

12 speak to him?

13 A Not that I remember, no.

14 Q Mr. Bargeman was working for a company called

15 Nissan of Lake Charles at the time of the

16 accident. Have you ever spoken to anyone from

17 Nissan of Lake Charles about this accident?

18 A No, ma'am.

19 Q Did you ever speak to any of the insurance --

20 any person from the insurance carrier for

21 either Mr. Bargeman or Nissan of Lake Charles

22 besides myself today?

23 A No, ma'am.

24 Q Fair statement: You can't estimate how fast

25 the 18-wheeler was traveling?

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- 1 A I cannot, no, ma'am.
- 2 Q Did you have any bruises, contusions, or cuts
- 3 after the accident?
- 4 A No, ma'am. No.
- 5 Q Other than Ms. Rose's hematoma, which she had
- 6 before the accident, did you see any bruises or
- 7 cuts or contusions on her?
- 8 A No.
- 9 Q Now, if I understood you properly, you didn't
- 10 feel any pain until after you got to the ER and
- 11 the doctor?
- 12 A That's correct.
- 13 Q Did Ms. Rose complain of any pain at the scene
- 14 of the accident?
- 15 A Not, at the scene, no.
- 16 Q When did she first complain of any pain or
- 17 discomfort?
- 18 A When we was in the ER, and me and her was
- 19 waiting for about almost two-and-a-half to
- 20 three hours, and that's when she asked the
- 21 receptionist at the hospital, "What's going on?
- 22 Why it's taking so long because I'm hurting in
- 23 my back." That's when I remember she was
- 24 complaining, was her back.
- 25 Q Now, on the day of the accident, was Ms. Rose

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- 1 taking her daily medications?
- 2 A Before the accident, yes.
- 3 Q Same medications she took daily and was used to
- 4 taking; is that fair?
- 5 A Yes.
- 6 Q There's no reason for you to suspect drug or
- 7 alcohol was part of this accident in any way;
- 8 is that correct?
- 9 A That's correct.
- 10 Q And, to the best of your knowledge, Ms. Rose
- 11 didn't have anything alcoholic to drink in the
- 12 eight hours before the accident?
- 13 A That's correct.
- 14 Q Did you ever observe any skid marks?
- 15 A No.
- 16 Q Did any part of your body come in contact with
- 17 any part of the car?
- 18 A Not that I can recall.
- 19 Q Besides the driver of the 18-wheeler, the
- 20 driver of the SUV, the lady in the car of the
- 21 SUV, Ms. Rose and yourself, are you aware of
- 22 any other eyewitnesses to this accident?
- 23 A No, ma'am.
- 24 Q Do you know anything about any tickets that may
- 25 have been issued at the time of the accident?

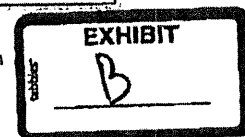
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Eugene Bargeman
December 4, 2019

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1 14TH JUDICIAL DISTRICT COURT
2 PARISH OF CALCASIEU
3 STATE OF LOUISIANA
4
5 ROSALINA AYUYU DALAL AND
6 CHRISTOPHER T. LEWIS
7
8 VERSUS NO. 2019-531 "D"
9
10 UNITED SPECIALTY INSURANCE
11 COMPANY, ROSE LAND DEVELOPMENT,
12 L.L.C. and WILLIAM PORTER, II
13
14 * * * * *
15 THE DEPOSITION OF
16 EUGENE BARGEMAN
17
18 Taken in connection with the captioned cause,
19 pursuant to the following stipulations taken at the
20 offices of Delphin Law Firm, 626 Broad Street, Lake
21 Charles, Louisiana, on the 4th day of December,
22 2019, beginning at 2:19 p.m.
23
24
25

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Eugene Bargeman
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1 A. Yes.

2 Q. Okay. Now, was his mother living with Mr.
3 Stelly at the time, or was she still living with
4 --

5 A. No. She stays by herself in her own home.

6 Q. Okay. At her home in South Lake Charles?

7 A. Yes.

8 Q. Okay. So, where did this wreck take place, Mr.
9 Bargeman?

10 A. February -- February the 28th.

11 Q. Oh, no, sir. I may have said "when"; I meant to
12 say "where." What street did this --

13 A. Nelson Road.

14 Q. Nelson Road. And was it at an intersection?

15 A. It was the intersection of Nelson and Prien
16 Lake.

17 Q. And Prien. Okay, so just kind of tell me in
18 your own words, Mr. Bargeman, what happened?

19 A. I was just sitting at the red light just waiting
20 for the light to change, and I know I heard -- I
21 mean, I seen the 18-wheeler driving up behind
22 me, but he kind of slowed down further back.
23 And we were just waiting for the light to
24 change. And then the next thing I know, I heard
25 when he, like, gave his truck some gas. And

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December 4, 2019

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1 when he gave it some gas, I say, "Wow, he's
2 fixing to hit me." And before I know it, "Bam."
3 Q. It sounded like he accelerated?
4 A. He accelerated, yeah. He accelerated his
5 vehicle.
6 Q. And it seems --
7 A. And the light never did change.
8 Q. And it seems that you found it unusual for him
9 to be accelerating his vehicle?
10 A. Yeah, at that time.
11 Q. Did you ever understand or find out why he would
12 accelerate his vehicle approaching a red traffic
13 signal?
14 A. No.
15 Q. Okay. So, let me ask you this, Mr. Bargeman.
16 You identified Mr. Dalal and Ms. Lewis. Is it
17 true that that they --
18 MS. BASH:
19 You said it backwards.
20 Q. (Mr. Delphin) Ms. Dalal and Mr. Lewis. I'm
21 sorry. Were thy in a vehicle in front of you?
22 A. Yes.
23 Q. What -- can you give us a description of that
24 vehicle?
25 A. I know it's a red vehicle.

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Eugene Bargeman
December 4, 2019

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- 1 Q. A red vehicle?
- 2 A. Yes, but I can't remember --
- 3 Q. Let me see what the police officer --
- 4 A. -- what kind of vehicle it is.
- 5 Q. -- called it. A Kia Forte.
- 6 A. Kia Forte, yeah.
- 7 Q. Does that sound about right?
- 8 A. That sounds about right, yeah.
- 9 Q. So, was that vehicle stopped in front of you?
- 10 A. Yes.
- 11 Q. And then there was you?
- 12 A. Uh-huh (yes.)
- 13 Q. And of course, you're going to tell us, we know
- 14 later that you were struck from behind by an 18-
- 15 wheeler.
- 16 A. Yes.
- 17 Q. Now, here's my question. Between Ms. Dalal's
- 18 vehicle, the red vehicle, an the light, were
- 19 there other vehicles?
- 20 A. Yes.
- 21 Q. About how many others?
- 22 A. I'd say about maybe five or six vehicles.
- 23 Q. Five or six vehicles in front of Ms. Dalal?
- 24 Okay. Well, let me ask you this? Did you see
- 25 when Ms. Dalal came to a stop behind those

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December 4, 2019

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1 A. Yeah. Maybe about a -- about a car length or a
2 half a car length.

3 Q. Okay.

4 MS. BASH:

5 Probably depends on what type car.

6 THE WITNESS:

7 What type, yeah. Because different cars
8 got different lengths.

9 Q. (Mr. Delphin) Okay. Well, let's see if we can
10 come up with an estimate. Eight to ten feet; is
11 that agreeable with you?

12 A. I'd say about eight.

13 Q. About eight. Okay, that's good; I don't need to
14 know exactly. Now, we know that you would be
15 struck from the rear. But at the time your
16 vehicle was struck, were you at a complete stop?

17 A. A complete stop, yes.

18 Q. Is there anything that you know of that you
19 could have done to avoid this wreck?

20 A. No, sir, not at all.

21 Q. Is there any -- was there anything wrong with
22 your vehicle? And what I mean by wrong with the
23 vehicle you were operating, were there any
24 mechanical problems with it?

25 A. No, sir.

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Eugene Bargeman
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- 1 Q. As far as you know, the taillights on the
2 vehicle may have worked?
3 A. Yes.
4 Q. And you came to a gradual controlled stop?
5 A. Complete stop.
6 Q. So you did not slam on your brakes?
7 A. No.
8 Q. And neither did Ms. Dalal, correct?
9 A. Ms. Dalal?
10 Q. Yeah. She didn't slam on her brakes. She came
11 to a --
12 A. Well, yes.
13 Q. -- a slow and gradual stop?
14 A. She stopped, yeah.
15 Q. Now, what about the vehicles in front? Same for
16 them? The other four or five vehicles that were
17 in front of her, did they come to a controlled
18 gradual --
19 A. Well, the other four vehicles in front of her
20 was already probably gone after that, because
21 the light had done changed. When he struck me
22 the light had done changed and the other vehicle
23 was not going. I had done hit her.
24 Q. I'd say -- what I was asking, before the
25 collision, you know, when the vehicle -- when

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1 the traffic began to stop for the -- the red
2 light --

3 A. For the light.

4 Q. -- phase, did they come to a controlled --

5 A. Complete.

6 Q. -- stop, or was it an emergency stop?

7 A. No, it's a complete stop.

8 Q. Okay, so --

9 MS. BASH:

10 I'm sorry. He's saying complete and you're
11 saying controlled. We may want to make
12 sure we're on the same page.

13 MR. DELPHIN:

14 Okay.

15 Q. (Mr. Delphin) So, did they come to a slow and
16 gradual stop, or did it appear to be an
17 emergency stop?

18 A. We were just at a stop.

19 Q. Okay. Nothing unusual about it?

20 A. Nothing unusual.

21 Q. And just like you don't criticize yourself or
22 Ms. Dalal, do you have any criticism of those
23 drivers in front of you who stopped for the
24 light?

25 A. No.

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- 1 Q. Okay. I just wanted to make sure. Okay. So,
2 you're sitting at -- in your vehicle. Where is
3 Ms. Stelly? Is she in the back or she's on your
4 right?
5 A. She's on my right in the front seat.
6 Q. Okay. Is anybody on their cell phone?
7 A. No.
8 Q. Okay. And are y'all having a conversation or
9 are y'all silent? What's going on?
10 A. We're silent. We're just sitting at the light.
11 Q. Okay. And -- and then you -- when did you first
12 become aware of an 18-wheeler approaching you?
13 A. When I became aware?
14 Q. Yeah. When did you first notice that 18-
15 wheeler?
16 A. As I come to a complete stop, I look in the back
17 of my mirror and I seen an 18-wheeler coming.
18 Q. Can you give me an est --
19 A. -- stopped.
20 Q. -- Can you give me an est of that 18-wheeler
21 speed?
22 A. Well, he wasn't speeding at the time he hit me.
23 Q. Well, and I'm not saying that he was but I'm
24 asking you, can you tell me -- give me an
25 estimate of how fast you think he was going.

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1 MS. BASH:

2 If you know.

3 THE WITNESS:

4 Maybe 20, 25 miles an hour.

5 Q. (Mr. Delphin) Okay. 20, 25 miles per hour.

6 A. Uh-huh (yes.)

7 Q. And Mr. Bargeman, I meant -- I think you said
8 this, but I want to be sure. So, your foot was
9 on the brake at the time of impact?

10 A. Yes.

11 Q. Now, when you -- and you had said earlier you
12 had heard his vehicle accelerate. When you
13 heard his vehicle accelerate, what did you do?

14 A. Nothing. I just stayed with my feet on the
15 brakes.

16 Q. Okay. I mean, did you kind of tense up, get
17 prepared for impact, or did you -- but did you
18 not know that there would be an impact?

19 A. I didn't know it wouldn't be an impact.

20 Q. But your foot was on the brake?

21 A. But my feet was on the brake, yes.

22 Q. Okay. So, just to make sure I understand this:
23 The 18-wheeler runs into the rearview, correct?

24 A. Yes.

25 Q. And is it true that the force of that collision

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1 was sufficient to knock you, the eight feet or
2 so from where you were stopped into the rear of
3 the Dalal vehicle?

4 A. Yes.

5 Q. So, if I were to say Mr. Bargeman was in -- was
6 hit, was at a stop, hit by the 18-wheeler and
7 propelled into the back of the Dalal vehicle,
8 that would be a true statement?

9 A. Yes.

10 Q. So, how would you describe the impact that you
11 experienced, Mr. Bargeman? Would you say that
12 it was a moderate impact? Heavy impact? Light
13 impact? What word would you use?

14 A. A "boom" impact.

15 Q. A who?

16 A. A "boom."

17 Q. Okay.

18 MS. BASH:

19 It's the same word that he used.

20 Q. (Mr. Delphin) By a "boom" --

21 A. A "boom."

22 Q. By a "boom" impact --

23 A. Yeah.

24 Q. You mean it's --

25 A. A hard impact.

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- 1 Q. It was a hard impact?
- 2 A. Yeah.
- 3 Q. Enough to knock you like a cue ball -- your
- 4 vehicle like a cue ball into the vehicle --
- 5 A. Another vehicle in front of -- yes.
- 6 Q. Okay. Now, after the collision, Mr. Bargeman,
- 7 did you get a chance to speak to the driver of
- 8 the 18-wheeler?
- 9 A. Yeah. I went and asked him, I said, "What you
- 10 was doing?" I mean -- I mean, and he just say,
- 11 "Oh my fault," I mean, "I'm sorry."
- 12 Q. Well, did you say anything like why are you
- 13 accelerating when you see all these cars stopped
- 14 at the stop sign -- at a stop light?
- 15 A. No, I didn't ask him nothing. I just asked him
- 16 what happened, what you was doing.
- 17 Q. And all he said was what?
- 18 A. "I'm sorry."
- 19 Q. And did he take responsibility?
- 20 A. Yes.
- 21 Q. What words did he use?
- 22 A. That he used sorry that he ran into the back of
- 23 me.
- 24 Q. Did -- was it your impression that the gentleman
- 25 operating the 18-wheeler was on his cell phone

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1 Q. Okay.
2 A. I mean, we went to the emergency room and
3 got checked, and she just said she wasn't
4 hurt.
5 Q. Okay. So, which emergency room did Ms.
6 Stelly go to?
7 A. We went to the new hospital, Avail Health.
8 Q. Avail on?
9 A. Nelson Road.
10 Q. Nelson Road.
11 MS. BILLEAUD:
12 What's it called, I'm sorry?
13 MR. DELPHIN:
14 Avail.
15 THE WITNESS:
16 Avail.
17 MR. DELPHIN:
18 A-v-a-i-l, the hospital with an E.R.
19 room.
20 Q. (Mr. Delphin) I want to read this to you
21 from the police report to see if -- if you
22 believe this is accurate. It says: "The
23 driver of Vehicle #1; that's the 18-
24 wheeler, stated that he thought that
25 apparently traffic was moving when he ran

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- 1 into the back of Vehicle #2. Vehicle #2
2 was then pushed into Vehicle #3 -- Vehicle
3 #3 being Ms. Dalal's vehicle.
4 A. Okay.
5 Q. That's true?
6 A. Yes.
7 Q. Okay. And the second paragraph, the
8 driver of Vehicle #2, I believe that's
9 your, Mr. Bargeman.
10 A. Uh-huh (yes.)
11 Q. Stated that he was stopped due to
12 congestion when he was struck from behind
13 by Vehicle #1, which would be the 18-
14 wheeler; that's true?
15 A. Yeah.
16 Q. And then he stated that he was pushed into
17 Vehicle #3; that's true?
18 A. Yes.
19 Q. And then it says the driver of Vehicle #3,
20 and that's Ms. Dalal, states that she was
21 stopped also due to congestion when
22 Vehicle #1 struck Vehicle #2, she was then
23 struck by Vehicle #2; so that's true?
24 A. Yes.
25 Q. Okay. Do you know whether any of the

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1 nothing to avoid the wreck, nor could Ms.
2 Dalal?

3 MS. BASH:

4 I want to object to form. You've got
5 two negatives goings, and I --

6 MR. DELPHIN:

7 Okay.

8 MS. BASH:

9 -- don't want a misunderstanding
10 later, I'm sorry.

11 MR. DELPHIN:

12 All right.

13 Q. (Mr. Delphin) So, if I'm understanding
14 correctly, there was nothing you could
15 have done to avoid the wreck?

16 A. No, sir.

17 Q. Okay. And --

18 MS. BASH:

19 No, he's not correct, or no, there was
20 nothing you could do to --

21 THE WITNESS:

22 Nothing I could have do to avoid the
23 wreck.

24 Q. (Mr. Delphin) Okay. And is it also true
25 that there was nothing that you know of

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14TH JUDICIAL DISTRICT COURT
PARISH OF CALCASIEU
STATE OF LOUISIANA

ROSALINA AYUYU DALAL AND :
CHRISTOPHER T. LEWIS :

VS.

NO. 2019-531 D

UNITED SPECIALTY :
INSURANCE COMPANY, :
ROSELAND DEVELOPMENT, LLC :
AND WILLIAM J. PORTER, II :

DEPOSITION OF ROSALINA AYUYU DALAL

The oral deposition of ROSALINA AYUYU DALAL was taken in the above-entitled cause, pursuant to the following stipulations, before Julie H. Georgia, Certified Court Reporter, at the Delphin Law Offices, 626 Broad Street, Lake Charles, Louisiana, on the 4th day of December 2019, beginning at 9:15 a.m.

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1 A I don't know the name of the person, but it was
2 a guy.
3 Q Okay. Do you know if he had any occupants in
4 his vehicle?
5 A I don't know. Yeah, the wife. He was with the
6 wife.
7 Q Okay. And he was driving? The male was
8 driving?
9 A Yes.
10 Q And how about the truck behind the SUV? Do you
11 know who was driving that?
12 A It was a white Caucasian guy.
13 Q The gentleman that I referred to, Mr. Porter?
14 Does that ring any bells?
15 A I don't know his name.
16 Q Was there anybody else in his truck?
17 A No. I didn't see.
18 Q Okay. And where were you? Physically, where
19 was your car right before this accident
20 happened?
21 A We were on -- it's a stop light, but we were
22 like about six cars back, fully stopped.
23 Q Okay. Do you know what street you were driving
24 on?
25 A On Nelson.

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- 1 Q And did this accident happen near an
2 intersection? Do you have any landmark of
3 where it happened near?
4 A It's near where the Walmart traffic light is.
5 Like I said, we were like six cars behind.
6 Q And were you dead stopped in traffic before the
7 accident happened?
8 A Yeah, I was fully stopped.
9 Q And to the best of your recollection, what
10 happened?
11 A All I heard was a big boom. And then I, you
12 know, fell forward. I was just surprised that,
13 you know, we heard that noise, you know. So I
14 looked at Chris, and I asked him, "Are you
15 okay?" So Chris is like, "Mom, we just got
16 hit." I said, "Okay." So we got out of the
17 car, and we looked back, and we saw the SUV
18 guy.
19 Q So when you say you heard a boom --
20 A Yeah.
21 Q Okay. You heard the boom, and then you fell
22 forward?
23 A Yeah. You know, it caught us by surprise.
24 When the boom, we just went like that
25 (gesturing).

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1 Q Okay. And you went forward one time?

2 A Yeah.

3 MR. DELPHIN: I don't want to
4 interrupt you, Jean Ann. I want the
5 record to reflect her movement, the
6 forward motion of her body, that she was
7 making.

8 MS. BILLEAUD: That's fine.

9 BY MS. BILLEAUD:

10 Q So the boom that you heard, was that when your
11 car was hit?

12 A Yes.

13 Q Okay. And you heard just one boom?

14 A Yes.

15 Q After the accident -- so you got out of your
16 car and walked around, you said?

17 A No. I got up, and I stood outside. I looked
18 back, and it was a guy in the SUV said we got
19 hit. That's all he said to us.

20 Q Okay. But you got out of your car?

21 A Right.

22 Q You and Christopher?

23 A Yes.

24 Q And were you able to walk around?

25 A At that moment, I couldn't really walk because

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1 I had a hematoma on my leg. But I got out and
2 I stood right where my car is.
3 Q Got you. Did Christopher walk around?
4 A Yes.
5 Q Did you talk -- so you spoke with the driver of
6 the SUV?
7 A The SUV guy came and told me that --
8 Q Came to you?
9 A Yeah. He said, "We got hit."
10 Q Did he address both you and Christopher, or had
11 Christopher gone somewhere else?
12 A I'm not sure if he was listening or whatever,
13 but that's what the guy told me.
14 Q How about the driver of the truck behind the
15 SUV? Did you talk to him?
16 A Towards the end, yes.
17 Q What do you mean, towards the end?
18 A Like after the officer was --
19 Q And what was discussed? Did he talk to you, or
20 you talked to him or both?
21 A He came and talked to the officer, and then he
22 introduced himself to me. Then he told us what
23 his boss said.
24 Q And what was that?
25 A That he was going to take -- he's taking all

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1 the responsibility. So the officer said, "You
2 guys heard that?" He pointed at him, and he
3 goes, "Him, he's going to take care of you and
4 you." And he said that the boss said he was
5 going to take all the responsibility --
6 Q Okay.
7 A -- of the accident.
8 Q Did you speak with anyone else, then? I assume
9 you spoke with the investigating officer,
10 obviously?
11 A The police officer?
12 Q Yes, ma'am.
13 A He just --
14 Q Did you talk to the officer?
15 A Yeah. He just gave me my ID back. He just
16 said that he's going to take care --
17 Q Did you speak with anybody else, then, after
18 the accident while y'all are still there
19 besides the SUV driver, my driver, or the
20 officer?
21 A Nobody --
22 Q Okay.
23 A -- after that.
24 Q How about transportation from the accident
25 site? How did you leave the accident site?

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1 you correctly, you said you were at a complete
2 stop; is that correct?

3 A Yes.

4 Q So you don't have any information about any
5 speed of any vehicle; is that fair?

6 A Yeah.

7 MS. BASH: I think that's all I have.
8 Mark may have questions. You may have
9 more questions. Read and sign, just don't
10 let me forget.

11 EXAMINATION

12 BY MR. DELPHIN:

13 Q I have a couple of questions for you, Ms.
14 Rosalina. You were asked as to whether or not
15 you had a wheelchair before the wreck or after
16 the wreck. Did you have a wheelchair before
17 the wreck?

18 A No.

19 Q Okay. I just wanted to make sure you made that
20 clear. The other thing, you had gotten -- this
21 lady had asked you a lot of questions about
22 accidents throughout your lifetime such as
23 slip-and-falls, trip-and-falls, falling off a
24 ladder, injuries on the job. Can you recall
25 any incident where you had hurt yourself before

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Raikyn Kma
Deputy Clerk of Court
Calcasieu Parish, Louisiana

Re: Dalal, et al
VS

un. Spec. INS, et al

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ROSALINA AYUYU DALAL AND : 14TH JUDICIAL DISTRICT COURT
CHRISTOPHER T. LEWIS

VS. NO. 2019-531 "D" : PARISH OF CALCASIEU

UNITED SPECIALTY :
INSURANCE COMPANY,
ROSE LAND DEVELOPMENT, : STATE OF LOUISIANA
L.L.C. and WILLIAM J. PORTER, II

FILED: 1-10-20

[Signature]
DEPUTY CLERK

MEMORANDUM IN SUPPORT OF
PLAINTIFFS' MOTION TO DELAY SCHEDULING DEFENDANTS'
(EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC.)
MOTION FOR SUMMARY JUDGMENT FOR HEARING AND/OR REMOVE THE
SAID MOTION FROM THE DOCKET AND/OR TO COMPEL THE DEPOSITION OF
DEFENDANT WILLIAM J. PORTER, II

CALCASIEU CLERK-COST
JAN 10 2020 PM04:17:51

May it please the Court:

William J. Porter, II is an out of state eighteen wheel truck operator who operated the last vehicle in a three car rearend collision occurring on Nelson Road in Lake Charles, La. Plaintiffs, Rosalina Dalal and her son, Christopher Lewis, were the occupants of the lead vehicle. Mr. Eugene V. Bargeman was the driver of the middle vehicle.

In conjunction with liability investigation of this case, plaintiffs have given their depositions and Mr. Bargeman has given his deposition. Plaintiffs have requested that Mr. Porter appear for and give his deposition. To date the deposition of Mr. Porter has not yet been taken because Mr. Porter travels and has not returned to Lake Charles. The issue to be resolved by Mr. Porter's deposition is: Did Mr. Bargeman strike the plaintiffs prior to being rearended by Mr. Porter or after being rearended by Mr. Porter.

Defendants Eugene Bargeman and his insurer, Technology Insurance Company, Inc. have now moved for summary judgment on the case's liability issue.

Plaintiffs are entitled to adequate discovery by law (See: La. C. C. P. Art. 966, A (3)) and are in need of Mr. Porter's deposition in order to analyze the liability issue. Plaintiffs have filed their motion to delay the scheduling of the Bargeman and Technology motion for summary judgment and to compel the deposition of Mr. Porter because this deposition is now needed without delay.

Jurisprudence provides that Mr. Porter may be compelled to appear in Lake Charles, the situs of his alleged tort, to give his deposition. Case law also provided that the Court may



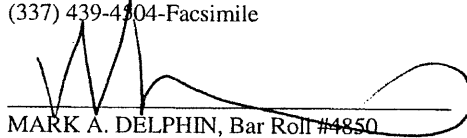
compel Mr. Porter to come to Lake Charles at defendant's expense. Mr. Porter is insured by United Specialty Insurance Company. At the time of the collision, he was in the course and scope of his employment with Rose Land Development, L.L.C. See: In Re: Medical Review Panel of James Hughes, No. 2001 – 2313, , (La.App. 4 Cir. 01/23/02), 807 So.2d 1074. Mr. Porter his insurer and his employer have the financial means to bring Mr. Porter to Lake Charles for his deposition. Ms. Dalal is disabled and Mr. Lewis has been required to undergo surgery for one of his collision related injuries and has not yet returned to work since the collision.

Plaintiffs pray that their motion to delay the hearing on the Bargemen and Technology motion for summary judgment and to compel Mr. Porter to give his deposition in Lake Charles be granted.

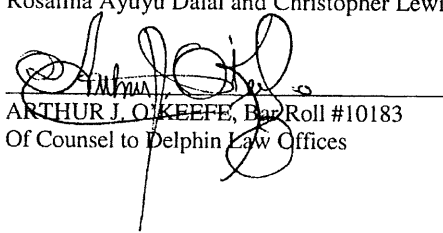
Respectfully submitted:

DELPHIN LAW OFFICES,
A PROFESSIONAL LAW CORPORATION
626 Broad Street
Lake Charles, LA 70601
(337) 439-3939-Telephone
(337) 439-4304-Facsimile

By:


MARK A. DELPHIN, Bar Roll #4850
Counsel for plaintiffs,
Rosalina Ayuyu Dalal and Christopher Lewis

And:


ARTHUR J. O'KEEFE, Bar Roll #10183
Of Counsel to Delphin Law Offices

ROSALINA AYUYU DALAL AND : 14TH JUDICIAL DISTRICT COURT
CHRISTOPHER T. LEWIS

VS. NO. 2019-531 "D" : PARISH OF CALCASIEU

UNITED SPECIALTY :
INSURANCE COMPANY,
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L.L.C. and WILLIAM J. PORTER, II

FILED: 1-12-20

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JAN 10 2020 PM04:17:48

ORDER

Considering the above and foregoing Plaintiffs' Motion to Delay Scheduling Defendants' (Eugene v. Bargeman and Technology Insurance Company, Inc.) Motion for Summary Judgment for Hearing and/or Remove the Said Motion from the Docket and/or to Compel the Deposition of Defendant William J. Porter, II;

IT IS HEREBY ORDERED that defendants Eugene v. Bargeman, Technology Insurance Company, Inc., William J. Porter, II, United Specialty Insurance Company and Rose Land Development, L.L.C. show cause on the 14 day of February, 2020 at 900 A.M. why the Court should not order the following:

1. Defendants William J. Porter, II, United Specialty Insurance Company and Rose Land Development, L.L.C. be ordered to produce Mr. Porter in Lake Charles, at their expense, to be deposed by plaintiffs;
2. Mr. William J. Porter, II be ordered to appear at the office of plaintiffs' counsel for deposition and give his deposition for this case; and,
3. The Motion for Summary Judgment of Eugene V. Bargeman and Technology Insurance Company be removed from the Court's scheduling docket and not be rescheduled for hearing until at least sixty days following the completion of the aforesaid deposition of Mr. William J. Porter, II.

Signed this 13th day of January, 2020 in Lake Charles, Louisiana.

[Signature]
JUDGE
Judge Robert L. Wyatt

Please serve:

Eugene V. Bargeman and



C M S 6 7 1 4 3 4 8 Page Count: 2
Filing Date: 01/10/2020 12:00 AM
Case Number: 2019-000531
Document Name: ORDER

Technology Insurance Company, Inc.
Through their attorney of record,
Lottie L. Bash, Esq. or
Madaline King, Esq.
Faircloth, Melton, Sobel & Bash, LLC
105 Yorktown Dr.
Alexandria, LA 71303

William J. Porter, II,
United Specialty Insurance Company and
Rose Land Development, L.L.C.
through their attorney of record,
Jean Ann Billeaud, Esq.
Lewis, Brisbois, Bisgaard & Smith, LLP
100 E. Vermilion Street, Suite 300
Lafayette, LA 70501

Paralegal Delphin Law

From: Billeaud, Jean Ann <Jean.Billeaud@lewisbrisbois.com>
Sent: Monday, January 06, 2020 6:14 PM
To: Mark Delphin
Cc: Lottie Bash; Paralegal Delphin Law; Arthur O'Keefe
Subject: Re: [EXT] Christopher Lewis and Rosalina Dalal, etc

will look into



Jean Ann Billeaud
Attorney
Jean.Billeaud@lewisbrisbois.com
T: 337.205.4736 F: 337.504.3341

CALCASIEU CLERK-COST
JAN 10 2020 PM 04:17:37

1000 Vermilion Street, Suite 300, Lafayette, LA 70501 | LewisBrisbois.com

representing clients from coast to coast. View our locations nationwide.

On 1/6, 2020, at 4:39 PM, Mark Delphin <markdelphin@delphinlaw.com> wrote:

External Email

Hello Lottie and Jean Ann,
hope you all had a nice and relaxing Holiday Season.

We just received Lottie's MSI and would like to schedule the depo of Jean Ann's driver asap.

Jean Ann, how can we do this? We can possibly go to him, meet him at a convenient location, or possibly take it over the internet.
Plz advise

Thanks,
Mark

Mark Delphin
Delphin Law Offices
676 Broad Street
Lake Charles, LA 70601
(337) 391-0030



C M S 6 7 1 4 3 4 3
Filing Date: 01/10/2020 12:00 AM Page Count: 6
Case Number: 2019-000531
Document Name: EXHIBITS

Paralegal Delphin Law

From: Paralegal Delphin Law
Sent: Monday, December 02, 2019 6:40 AM
To: Billard, Jean Ann; Laura Matthews
Cc: Estline, June; Delan, Laura; Madaline King; Mark Delphin; Arthur OKeefe
Subject: RE: C. Lewis
Attachments: 10.17.19 MPT (set 12.01.19) SENT.pdf

Hi Ann, June and everyone, all had a great Thanksgiving as well.

We will be out of the office Wednesday for our clients' depositions.

Our client, Mr. Baugman will appear for his deposition on Wednesday (see attached notice).

Also, we will be out of the deposition of Mr. Porter. Please see when he will be coming back this way from deposition.

Thank you.

Paralegal Delphin Law
 101 Madison Ave. Office
 100 Broad Street
 Suite 1000, 1000
 1000 1000 1000 1000
 1000 1000 1000 1000
 1000 1000 1000 1000

From: "Laura Delan" <lauradelan@lewisbrsbois.com>
Sent: Monday, December 02, 2019 1:09 PM
To: "Paralegal Delphin Law" <paralegaldelphinlaw.com>
Cc: "Billard, Jean Ann" <billard@lewisbrsbois.com>, Delan, Laura <Laura.Delan@lewisbrsbois.com>
Subject: RE: C. Lewis

Hi Ann, June and everyone, all had a great Thanksgiving as well.

We will be out of the office Wednesday. And Laura Delan is the paralegal working on the deposition of Mr. Baugman. We are awaiting prior to Wednesday's deposition.

Will there be any other depositions on Wednesday's depositions?

Paralegal Delphin Law

From: Paralegal Delphin Law
Sent: Tuesday, October 22, 2019 2:00 PM
To: Billeaud, Jean Ann; Lottie Bash
Cc: Mark Delphin; Madaline King
Subject: RE: [EXT] RE: Dalal

As to all other depositions, are we good for 12/4 at our office? May we suggest the following:

10:00 am - Rezaiah Dalal
11:00 am - Christopher Lewis
1:30 pm - Eugene Bargeman

We will be using Nat Douget Court Reporters for Mr. Bargeman's deposition.

Please let us know if this works for all of you.

Thank

Paula Faust, Paralegal
Delphin Law Office
676 Broad Street
Lake Charles, LA 70601
t: (504) 291-6979-direct line
f: (504) 491-3939
c: (504) 491-1504-text/mobile

From: Billeaud, Jean Ann <jean.billeaud@lewebrsbois.com>
Sent: Tuesday, October 22, 2019 10:06 AM
To: Paralegal Delphin Law <paralegal@delphinlaw.com>; Lottie Bash <LBash@fairclothlaw.com>
Cc: Mark Delphin <markdelphin@delphinlaw.com>; Madaline King <MKing@fairclothlaw.com>
Subject: RE: [EXT] RE: Dalal

I spoke with a Mr. Porter. He is presently on a job in Oklahoma that he does not anticipate will end before the end of the year. I asked him to let me know as soon as he knows when he will be back in Mississippi (between jobs).

And he does not anticipate any future jobs in Louisiana. I did ask him to let me know if that ever did change.

From: Paralegal Delphin Law [mailto:paralegal@delphinlaw.com]
Sent: Tuesday, October 22, 2019 9:41 AM
To: Billeaud, Jean Ann; Lottie Bash
Cc: Mark Delphin; Madaline King
Subject: RE: [EXT] RE: Dalal

and we would like that you please advise if Mr. Porter travels to LC/Louisiana occasionally so that we can schedule his deposition and he will be here on the 10th.

Thank

David Daniel Porter
c/o Delphin Law, Office
610 Board Street
Lake Charles, LA 70601
c/o 504 697 97 direct line
c/o 504 697 97
c/o 504 697 97 mobile

From: "David Daniel Porter" <dporter@delphinlaw.com>

Sent: Sunday, October 11, 2016 7:56 AM

To: "Jean Ann Billyaud" <JBillyaud@lewisbrisbois.com>

Cc: "David Daniel Porter" <dporter@delphinlaw.com>; Mark Delphin <markdelphin@delphinlaw.com>; Madaline King <MKing@fairclothlaw.com>

Subject: Re: Deposition

Dear Jean Ann, I am ready for the date since I plan to depose your client and Mark's client, I need for you to let me know if it will take place so I can send a notice please.

Thank

David Daniel Porter <dporter@delphinlaw.com> wrote:

From: "Jean Ann Billyaud" <JBillyaud@lewisbrisbois.com>
Sent: Sunday, October 11, 2016 7:49 AM
Subject: Re: Deposition

From: "David Daniel Porter" <dporter@delphinlaw.com>
Sent: Sunday, October 11, 2016 7:49 AM
To: "Jean Ann Billyaud" <JBillyaud@lewisbrisbois.com>; Billyaud, Jean Ann <Jean.Billyaud@lewisbrisbois.com>
Cc: "David Daniel Porter" <dporter@delphinlaw.com>; Madaline King <MKing@fairclothlaw.com>
Subject: Re: Deposition

What is the time the deposition is held? Now Mark is only available 12/4. Please advise if you all are available on the 10th.

David Daniel Porter
c/o Delphin Law, Office
610 Board Street
Lake Charles, LA 70601
c/o 504 697 97 direct line
c/o 504 697 97
c/o 504 697 97 mobile

From: Lottie Bash <LBash@fairclothlaw.com>
Sent: Friday, October 18, 2019 8:29 AM
To: Billeaud, Jean Ann <Jean.Billeaud@jewisbrisois.com>; Paralegal Delphin Law <paralegal@delphinlaw.com>
Cc: Mark Delphin <markdelphin@delphinlaw.com>; Madaline King <MKing@fairclothlaw.com>
Subject: RE: [EXT] RE: Dalal

I can get coverage for December 4th or 5th

Thank you
Lottie

From: Billeaud, Jean Ann <Jean.Billeaud@jewisbrisois.com>
Sent: Friday, October 18, 2019 8:23 AM
To: Lottie Bash <LBash@fairclothlaw.com>; Paralegal Delphin Law <paralegal@delphinlaw.com>
Cc: Mark Delphin <markdelphin@delphinlaw.com>; Madaline King <MKing@fairclothlaw.com>
Subject: RE: [EXT] RE: Dalal

Nov. dates no good. Already have a mediation and a big deposition out of town that week.

Also, in terms of trying to coordinate the depositions I seek, with Plaintiff's request to depose my client, that will not work. He lives out of state. His depo may have to occur in state of his residence. The others live in the Calcasieu parish area as far as I know. If there is a problem with that, please have Mark call me.

As far as the Dec. dates provided, please advise which is best among Dec. 3, 4 and

Frank

From: Lottie Bash [mailto:LBash@fairclothlaw.com]
Sent: Friday, October 18, 2019 7:18 AM
To: Paralegal Delphin Law; Billeaud, Jean Ann
Cc: Mark Delphin; Madaline King
Subject: RE: [EXT] RE: Dalal

Good morning Jean Ann, I can move some things and make the November 19th or 21st dates work. Please let me know if those work for you and will get things moved and check in on Bargeman's availability.

Thank you
Lottie

From: Jean Ann Billeaud <jbilleaud@jeanannbilleaudlaw.com>
Sent: Tuesday, January 18, 2019 11:11 AM
To: 'Lottie Bash' <lbash@larrydotnlaw.com>
Cc: 'Lottie Bash' <lbash@larrydotnlaw.com>; Lottie Bash <LBash@larrydotnlaw.com>
Subject: Re: 2019-2020 Data

Hi Lottie,
Thank you for the 2019-2020

data. We will be preparing William Porter & Leggett V. Bargeman on the same date.

Best regards,
Jean Ann Billeaud
Attorney
200 Broadway, Suite 2000
San Francisco, CA 94102
415.398.4444
jbilleaud@jeanannbilleaudlaw.com

From: Lottie Bash <lbash@larrydotnlaw.com>
Sent: Tuesday, January 22, 2019 12:15 AM
To: Jean Ann Billeaud <jbilleaud@jeanannbilleaudlaw.com>
Cc: 'Lottie Bash' <lbash@larrydotnlaw.com>; Bash Lottie <LBash@larrydotnlaw.com>
Subject: Re: 2019-2020 Data

Hi Jean Ann, I am sure the 2019-2020 data is needed to accomplish before the end of the year.

Thank you for your help in coordinating the dates between now and then to coordinate.

Best regards,
Lottie Bash

Hi Jean Ann,

Jean Ann Billeaud

Attorney

200 Broadway, Suite 2000
San Francisco, CA 94102
415.398.4444
jbilleaud@jeanannbilleaudlaw.com

T: 337.205.4736 F: 337.504.3341

For more information, visit <http://www.larrydotnlaw.com> or call 1-800-555-1234

For more information, visit <http://www.larrydotnlaw.com> or call 1-800-555-1234

2/20

JDL
KBPROSALINA AYUYU DALAL AND
CHRISTOPHER T. LEWIS

: 14TH JUDICIAL DISTRICT COURT

VS. NO. 2019-531 "D"

: PARISH OF CALCASIEU

UNITED SPECIALTY
INSURANCE COMPANY,
ROSE LAND DEVELOPMENT,
L.L.C. and WILLIAM J. PORTER, II

: STATE OF LOUISIANA

1-13-20
"D"

FILED: 1-10-20

DEPUTY CLERK

PLAINTIFFS' MOTION TO DELAY SCHEDULING DEFENDANTS'
(EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC.)
MOTION FOR SUMMARY JUDGMENT FOR HEARING AND/OR REMOVE THE
SAID MOTION FROM THE DOCKET AND/OR TO COMPEL THE DEPOSITION OF
DEFENDANT WILLIAM J. PORTER, II

NOW INTO COURT, through undersigned counsel, come plaintiffs, ROSALINA
AYUYU DALAL and CHRISTOPHER T. LEWIS, who with respect request that:

I.

Plaintiffs have made oral and written requests to take the deposition of the William J.
Porter, II. The oral requests began prior to the written requests. The written requests began on
October 18, 2019. Attached and marked as Exh. 1 are copies of the e-mails.

II.

CALCASIEU CLERK-COST
JAN 10 2020 PM 04:17 PM

Mr. William J. Porter, II is a defendant and critical witness in plaintiffs' case. (Plaintiffs'
case involves a three car rear-end collision in which plaintiffs occupy the lead vehicle.) Mr.
Porter's deposition is needed so that plaintiffs can analyze the liability issues particularly the
issue of whether defendant driver Eugene V. Bargeman struck the plaintiffs from the rear prior to
Mr. Bargeman being struck by Mr. Porter.

III.

As of January 8th, 2020, defendants Porter, his insurer United Specialty Insurance
Company and his employer Rose Land Development, L.L.C. have not provided deposition dates
for Mr. Porter to be deposed.

IV.

Defendants, Eugene V. Bargeman and his insurer Technology Insurance Company, Inc.
have moved for summary judgment alleging that Mr. Bargeman was stopped at the time of being
struck in the rear by Mr. Porter and further that, prior to being struck by Mr. Bargeman, did not
strike the rear of the plaintiffs' car.

SCANNED
JAN 24 2020



Filing Date: 01/10/2020 12:00 AM
Case Number: 2019-000531
Document Name: MOTION
Page Count: 3

V.

The filing of the above mentioned Motion for Summary Judgment now makes it imperative that Mr. Porter appear for and give his deposition without delay.

VI.

Plaintiffs request that defendants William J. Porter, II, United Specialty Insurance Company and Rose Land Development, L.L.C. be ordered to produce Mr. Porter at their expense in Lake Charles and that Mr. Porter be ordered to appear at the office of plaintiffs' counsel for deposition. Further, plaintiffs request that the Motion for Summary Judgment for Eugene V. Bargeman and Technology Insurance Company be removed from the Court's scheduling docket and/or not be called by the Court for hearing until at least sixty days following the completion of the deposition of Mr. William J. Porter, II.

VII.

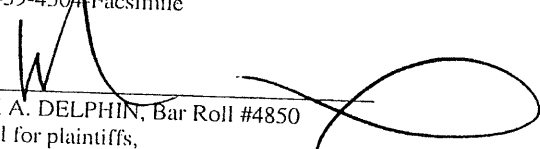
It is imperative that plaintiffs be allowed to take the deposition of defendant William J. Porter, II so that they may properly analyze the liability issues presented in this case and, if necessary, file their opposition to the Motion for Summary Judgement of defendants Eugene V. Bargeman and Technology Insurance Company, Inc.

WHEREFORE, plaintiffs pray that this Honorable Court grant this Motion.

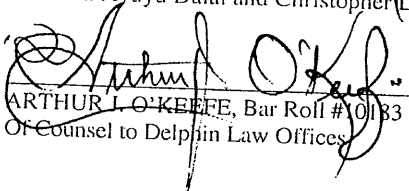
Respectfully submitted:

DELPHIN LAW OFFICES,
A PROFESSIONAL LAW CORPORATION
626 Broad Street
Lake Charles, LA 70601
(337) 439-3939 Telephone
(337) 439-4504 Facsimile

By:


MARK A. DELPHIN, Bar Roll #4850
Counsel for plaintiffs,
Rosalina Ayuyu Dalal and Christopher Lewis

And:


ARTHUR L. O'KEEFE, Bar Roll #10183
Of Counsel to Delphin Law Offices

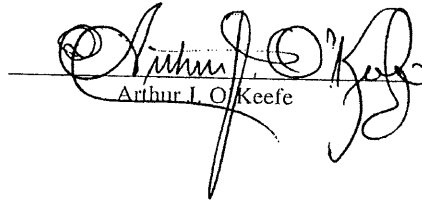
CERTIFICATE

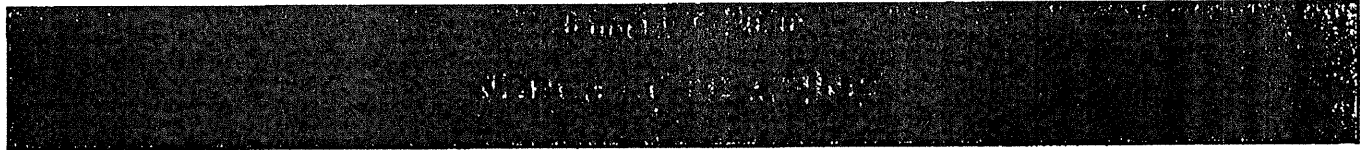
I HEREBY CERTIFY that a copy of the above and foregoing motion has been forwarded
by e-mail only to:

Jean Ann Billeaud
Lewis, Brisbois, Bisgaard & Smith, LLP
100 E. Vermilion Street, Suite 300
Lafayette, LA 70501
jean.Billeaud@lewisbrisbois.com

Lottie L. Bash
Faircloth, Melton, Sobel & Bash, LLC
105 Yorktown Dr.
Alexandria, LA 71303
lbash@fairclothlaw.com

Lake Charles, Louisiana, this 16th day of January, 2020.


Arthur L. O'Keefe



ROSALINAAYUYU DALAL, ET AL
VS. NO. 2019-0531
UNITED SPECIALTY INS. CO., ET AL

State of Louisiana
14th Judicial District Court
Clerk of Court: H. LYNN JONES

Attorneys:
Mark A. Delphin
Jean Ann Billeaud
Arthur J. O'Keefe
Lottie L. Bash
Madaline King

THE ABOVE CASE HAS BEEN ASSIGNED TO

JUDGE ROBERT L. WYATT

DEFENDANTS, TECHNOLOGY INS. CO. AND E BARGEMAN,
MOTION FOR SUMMARY JUDGMENT [FILED: 1/09/2020]
HAS BEEN RESET FOR
FEBRUARY 26, 2020 AT 9:00AM

*Proof at the hearing shall be
limited to verified pleadings
and/or affidavits.*

The parties are directed to follow Rule 9.9 or 9.10 of the Uniform District Court Rules concerning
filing of Memorandum & Affidavit.

ALL CORRESPONDENCE DIRECTED TO THE COURT SHOULD BE EMAILED TO THE COURT
AND INCLUDE THE CASE NUMBER IN THE SUBJECT LINE.

Please Notify the Court via Email on Office Letterhead Immediately in the Event this Case Settles
and/or Needs to be Removed from the Docket.

Kam Jakubek, Judicial Assistant kjakubek@14jdc.org
Claire Caillier, Law Clerk ccaillier@14jdc.org (337) 721-3100, ext. 6422



C N S 6 7 1 5 5 9 8
Filing Date: 01/30/2020 10:45 AM
Case Number: 2019-0531
Document Number: 000001

SCANNED
JAN 15 2020

Notice of Service

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

TO: LOTTIE L BASH
105 YORKTOWN DRIVE
ALEXANDRIA, LA 71303

Service issued to: WILLIAMS J PORTER, II, ET AL

Date of Service: 01/22/2020

Number of Service: 1

Personal/Domiciliary: PERSONAL SERVICE

Pleading served: 1700 RULE
RULE TO SHOW CAUSE FILED 1/6/20

Issued by the Clerk of Court on the 28th day of January 2020.

A handwritten signature in black ink, appearing to read "Joseph Frazier", with a long horizontal flourish extending to the right.

Joseph Frazier
Deputy Clerk

CMS6733273

Filing Date: 01/15/2020 12:00 AM
Case Number: 2019-000531
Document Name: Notice of Service

Page Count: 1

10088
 ROSALINA AYUYU DALAL
 VS. 2019-000531
 UNITED SPECIALTY INSURANCE
 COMPANY

Civil Rule

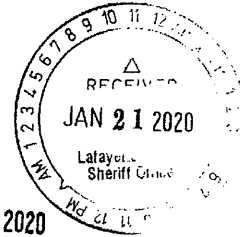


10

14th Judicial District Court
 State of Louisiana
 Parish of Calcasieu

THE STATE OF LOUISIANA

TO: WILLIAM J PORTER II
 ROSE LAND DEVELOPMENT,
 L.L.C., AND UNITED SPECIALTY
 INS COMPANY. THRU THEIR
 COUNSEL OF RECORD, JEAN ANN
 BILLEAUD | LEWIS BRISBOIS
 BISGAARD & SMITH, LLP
 100 EAST VERMILION STREET,
 SUITE 300
 LAFAYETTE, LA 70501



FILED JAN 28 2020
Joseph L. Proyer
 Deputy Clerk of Court
 Calcasieu Parish, Louisiana

Parish of Lafayette, Louisiana, Defendant in said suit:

YOU ARE HEREBY ORDERED TO SHOW CAUSE before this Honorable Court at the
 Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why:
 SUMMARY JUDGMENT SHOULD NOT BE RENDERED IN FAVOR OF THESE
 DEFENDANTS, DISMISSING THE CLAIMS OF PLAINTIFFS AGAINST
 DEFENDANTS, EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE
 COMPANY, INC., WITH PREJUDICE, IN THEIR ENTIRETY.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF MOTION FOR SUMMARY
 JUDGMENT BY EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE
 COMPANY, INC. and ORDER ATTACHED HERETO AND MADE A PART
 HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 6th day of
 January 2020.

Issued and delivered January 15, 2020

Kimberly Poullard
 Kimberly Poullard
 Deputy Clerk of Court

SERVICE INFORMATION

Received on the 21 day of JANUARY 2020, and on the 22 day of JANUARY
 2020, served the above named party as follows:

PERSONAL SERVICE on the party herein named DANIELLA 1038

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile
 in the parish in the hands of _____, a person apparently over the age of seventeen
 years, living and residing in said domicile and whose name and other facts connected with this service, I learned
 by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____

SERVICE \$ 30BY: *D. Boutin*

Deputy Sheriff

MILEAGE \$ 146TOTAL \$ 30.46

Party No. D004

SCANNED
 JAN 29 2020



CMS6717068
 Filing Date: 01/15/2020 09:24 AM Page Count: 1
 Case Number: 2019-000531
 Document Name: Civil Rule

Notice of Service

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

TO: LOTTIE L BASH
105 YORKTOWN DRIVE
ALEXANDRIA, LA 71303

Service issued to: ROSALINA AYUYU DALA, ET AL

Date of Service: 01/16/2020

Number of Service: 1

Personal/Domiciliary: PERSONAL SERVICE

Pleading served: 1700 RULE

Issued by the Clerk of Court on the 23rd day of January 2020.

Brianna Arabie
Brianna Arabie
Deputy Clerk

CMS6729861

Filing Date: 01/15/2020 12:00 AM
Case Number: 2019-000531
Document Name: Notice of Service

Page Count: 1

Civil Rule

ROSALINA AYUYU DALAL
 VS. 2019-000531
 UNITED SPECIALTY INSURANCE
 COMPANY

14th Judicial District Court
 State of Louisiana
 Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSALINA AYUYU DALAL

AND CHRISTOPHER LEWIS,
 THROUGH THEIR COUNSEL OF
 RECORD, MARK A.
 DELPHIN/ARTHUR J. O'KEEFE
 DELPHIN LAW OFFICES
 626 BROAD ST.
 LAKE CHARLES, LA 70601

JAN 23 2020

Brianne Arathie

Parish of Calcasieu, Louisiana, Plaintiff in said suit:

YOU ARE HEREBY ORDERED TO SHOW CAUSE before this Honorable Court at the Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why: SUMMARY JUDGMENT SHOULD NOT BE RENDERED IN FAVOR OF THESE DEFENDANTS, DISMISSING THE CLAIMS OF PLAINTIFFS AGAINST DEFENDANTS, EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC., WITH PREJUDICE, IN THEIR ENTIRETY.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF MOTION FOR SUMMARY JUDGMENT BY EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC. and ORDER ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 6th day of January 2020.

Issued and delivered January 15, 2020

Kimberly Poullard
 Kimberly Poullard
 Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED

PARISH OF _____ this _____ day of _____, 20____

SERVICE _____

Cost: 31.16

City Sheriff

Suit: 1-2019-000531

MARK A DELPHIN

626 BROAD ST

LC LA 70601

Person Served: KEISHA MILLER SEC

Received: 01/15/2020

Served:

01/16/2020 10:10am

Deputy: DAVIS

Miles: 2.00

Type: PERSONAL

BY: _____



CMS6717017
 Filing Date: 01/15/2020 09:04 AM Page Count: 1
 Case Number: 2019-000531
 Document Name: Civil Rule

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Civil Rule



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSALINA AYUYU DALAL

AND CHRISTOPHER LEWIS,
THROUGH THEIR COUNSEL OF
RECORD, MARK A.
DELPHIN/ARTHUR J. O'KEEFE-
DELPHIN LAW OFFICES
626 BROAD ST.
LAKE CHARLES, LA 70601

Parish of Calcasieu, Louisiana, Plaintiff in said suit:

YOU ARE HEREBY ORDERED TO SHOW CAUSE before this Honorable Court at the Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why: SUMMARY JUDGMENT SHOULD NOT BE RENDERED IN FAVOR OF THESE DEFENDANTS, DISMISSING THE CLAIMS OF PLAINTIFFS AGAINST DEFENDANTS, EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC., WITH PREJUDICE, IN THEIR ENTIRETY.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF MOTION FOR SUMMARY JUDGMENT BY EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC. and ORDER ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 6th day of January 2020.

Issued and delivered January 15, 2020

Kimberly Poullard
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. D004

CMS6717017

Filing Date: 01/15/2020 09:04 AM Page Count: 1
Case Number: 2019-000531
Document Name: Civil Rule

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Civil Rule



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSALINA AYUYU DALAL

AND CHRISTOPHER LEWIS,
THROUGH THEIR COUNSEL OF
RECORD, MARK A.
DELPHIN/ARTHUR J. O'KEEFE-
DELPHIN LAW OFFICES
626 BROAD ST.
LAKE CHARLES, LA 70601

Parish of Calcasieu, Louisiana, Plaintiff in said suit:

YOU ARE HEREBY ORDERED TO SHOW CAUSE before this Honorable Court at the Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why: SUMMARY JUDGMENT SHOULD NOT BE RENDERED IN FAVOR OF THESE DEFENDANTS, DISMISSING THE CLAIMS OF PLAINTIFFS AGAINST DEFENDANTS, EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC., WITH PREJUDICE, IN THEIR ENTIRETY.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF MOTION FOR SUMMARY JUDGMENT BY EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC. and ORDER ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 6th day of January 2020.

Issued and delivered January 15, 2020

Kimberly Poullard
Deputy Clerk of Court

SERVICE INFORMATION

Received on the ____ day of _____, 20____, and on the ____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this ____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE: \$ _____

TOTAL \$ _____

Party No. D004

CMS6717017

Filing Date: 01/15/2020 09:04 AM Page Count: 1
Case Number: 2019-000531
Document Name: Civil Rule

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Civil Rule



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: ROSALINA AYUYU DALAL

AND CHRISTOPHER LEWIS,
THROUGH THEIR COUNSEL OF
RECORD, MARK A.
DELPHIN/ARTHUR J. O'KEEFE-
DELPHIN LAW OFFICES
626 BROAD ST.
LAKE CHARLES, LA 70601

Parish of Calcasieu, Louisiana, Plaintiff in said suit:

YOU ARE HEREBY ORDERED TO SHOW CAUSE before this Honorable Court at the Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why: SUMMARY JUDGMENT SHOULD NOT BE RENDERED IN FAVOR OF THESE DEFENDANTS, DISMISSING THE CLAIMS OF PLAINTIFFS AGAINST DEFENDANTS, EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC., WITH PREJUDICE, IN THEIR ENTIRETY.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF MOTION FOR SUMMARY JUDGMENT BY EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC. and ORDER ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 6th day of January 2020.

Issued and delivered January 15, 2020

Kimberly Poullard
Deputy Clerk of Court

SERVICE INFORMATION

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PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. D004

CMS6717017

Filing Date: 01/15/2020 09:04 AM Page Count: 1
Case Number: 2019-000531
Document Name: Civil Rule

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Civil Rule



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: WILLIAM J PORTER II
ROSE LAND DEVELOPMENT,
L.L.C., AND UNITED SPECIALTY
INS COMPANY. THRU THEIR
COUNSEL OF RECORD, JEAN ANN
BILLEAUD | LEWIS BRISBOIS
BISGAARD & SMITH, LLP
100 EAST VERMILION STREET,
SUITE 300
LAFAYETTE, LA 70501

Parish of Lafayette, Louisiana, Defendant in said suit:

YOU ARE HEREBY ORDERED TO SHOW CAUSE before this Honorable Court at the Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why: SUMMARY JUDGMENT SHOULD NOT BE RENDERED IN FAVOR OF THESE DEFENDANTS, DISMISSING THE CLAIMS OF PLAINTIFFS AGAINST DEFENDANTS, EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC., WITH PREJUDICE, IN THEIR ENTIRETY.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF MOTION FOR SUMMARY JUDGMENT BY EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC. and ORDER ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 6th day of January 2020.

Issued and delivered January 15, 2020

Kimberly Poullard
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. D004

CMS6717068

Filing Date: 01/15/2020 09:24 AM Page Count: 1
Case Number: 2019-000531
Document Name: Civil Rule

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Civil Rule



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: WILLIAM J PORTER II
ROSE LAND DEVELOPMENT,
L.L.C., AND UNITED SPECIALTY
INS COMPANY. THRU THEIR
COUNSEL OF RECORD, JEAN ANN
BILLEAUD | LEWIS BRISBOIS
BISGAARD & SMITH, LLP
100 EAST VERMILION STREET,
SUITE 300
LAFAYETTE, LA 70501

Parish of Lafayette, Louisiana, Defendant in said suit:

YOU ARE HEREBY ORDERED TO SHOW CAUSE before this Honorable Court at the Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why: SUMMARY JUDGMENT SHOULD NOT BE RENDERED IN FAVOR OF THESE DEFENDANTS, DISMISSING THE CLAIMS OF PLAINTIFFS AGAINST DEFENDANTS, EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC., WITH PREJUDICE, IN THEIR ENTIRETY.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF MOTION FOR SUMMARY JUDGMENT BY EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC. and ORDER ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 6th day of January 2020.

Issued and delivered January 15, 2020

Kimberly Poullard
Deputy Clerk of Court

SERVICE INFORMATION

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PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. D004

CMS6717068

Filing Date: 01/15/2020 09:24 AM Page Count: 1
Case Number: 2019-000531
Document Name: Civil Rule

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: WILLIAM J PORTER II
ROSE LAND DEVELOPMENT,
L.L.C., AND UNITED SPECIALTY
INS COMPANY. THRU THEIR
COUNSEL OF RECORD, JEAN ANN
BILLEAUD | LEWIS BRISBOIS
BISGAARD & SMITH, LLP
100 EAST VERMILION STREET,
SUITE 300
LAFAYETTE, LA 70501

Parish of Lafayette, Louisiana, Defendant in said suit:

YOU ARE HEREBY ORDERED TO SHOW CAUSE before this Honorable Court at the Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why: SUMMARY JUDGMENT SHOULD NOT BE RENDERED IN FAVOR OF THESE DEFENDANTS, DISMISSING THE CLAIMS OF PLAINTIFFS AGAINST DEFENDANTS, EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC., WITH PREJUDICE, IN THEIR ENTIRETY.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF MOTION FOR SUMMARY JUDGMENT BY EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC. and ORDER ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 6th day of January 2020.

Issued and delivered January 15, 2020

Kimberly Poullard
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. D004

CMS6717068

Filing Date: 01/15/2020 09:24 AM Page Count: 1
Case Number: 2019-000531
Document Name: Civil Rule

January 21, 2020

Notice of HEARING

ROSALINA AYUYU DALAL, ET AL
VS. NO. 2019-0531
UNITED SPECIALTY INS. CO., ET AL

State of Louisiana
14th Judicial District Court
Clerk of Court: H. LYNN JONES

Attorneys:

Mark A. Delphin
Jean Ann Billeaud
Arthur J. O'Keefe
Lottie L. Bash
Madaline King

*Proof at the hearing shall be
limited to verified pleadings
and/or affidavits.*

THE ABOVE CASE HAS BEEN ASSIGNED TO

JUDGE ROBERT L. WYATT

PLAINTIFFS' MOTION TO DELAY SCHEDULING DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT

AND/OR

REMOVE THE MOTION FROM THE DOCKET

AND/OR

TO COMPEL THE DEPOSITION OF THE DEFENDANT W. J. PORTER, II [FILED: 1/13/2020]
HAS BEEN SET FOR
FEBRUARY 26, 2020 AT 9:00AM

****IN ADDITION TO****

DEFENDANTS, TECHNOLOGY INS. CO. AND E BARGEMAN,
MOTION FOR SUMMARY JUDGMENT [FILED: 1/09/2020]

The parties are directed to follow Rule 9.9 or 9.10 of the Uniform District Court Rules concerning
filing of Memorandum & Affidavit.

ALL CORRESPONDENCE DIRECTED TO THE COURT SHOULD BE EMAILED TO THE COURT
AND INCLUDE THE CASE NUMBER IN THE SUBJECT LINE.

Please Notify the Court via Email on Office Letterhead Immediately in the Event this Case Settles
and/or Needs to be Removed from the Docket.

Kam Jakubek, Judicial Assistant kjakubek@14jdc.org
Claire Caillier, Law Clerk ccaillier@14jdc.org (337) 721-3100, ext. 6422



C M S 8 7 2 9 2 8 6
Filing Date: 01/21/2020 12:00 AM Page Count: 1
Case Number: 2019-00531
Document Name: MOTION

FILED
JAN 24 2020
14th JDC

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Civil Rule



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: WILLIAM J PORTER II
UNITED SPECIALTY INSURANCE
COMPANY AND ROSE LAND
DEVELOPMENT, LLC THROUGH
THEIR ATTORNEY OF RECORD,
JEAN ANN BILLEAUD, ESQ.
LEWIS, BRISBOIS, BISGAARD &
SMITH, LLP
100 E. VERMILION STREET, SUITE
300
LAFAYETTE, LA 70501

Parish of Lafayette, Louisiana, Defendant in said suit:

YOU ARE HEREBY ORDERED TO SHOW CAUSE before this Honorable Court at the
Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why:
THE COURT SHOULD NOT ORDER THE FOLLOWING:

1. DEFENDANTS WILLIAM J PORTER, II, UNITED SPECIALTY INSURANCE
COMPANY AND ROSE LAND DEVELOPMENT, L.L.C. BE ORDERED TO
PRODUCE MR. PORTER IN LAKE CHARLES, AT THEIR EXPENSE, TO BE
DEPOSED BY PLAINTIFFS;
2. MR. WILLIAM J. PORTER, II BE ORDERED TO APPEAR AT THE OFFICE OF
PLAINTIFFS' COUNSEL FOR DEPOSITION AND GIVE HIS DEPOSITION FOR
THIS CASE; AND,
3. THE MOTION FOR SUMMARY JUDGMENT OF EUGENE V. BARGEMAN
AND TECHNOLOGY INSURANCE COMPANY BE REMOVED FROM THE
COURT'S SCHEDULING DOCKET AND NOT BE RESCHEDULED FOR
HEARING UNTIL AT LEAST SIXTY DAYS FOLLOWING THE COMPLETION OF
THE AFORESAID DEPOSITION OF MR. WILLIAM J. PORTER, II.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF PLAINTIFFS' MOTION TO
DELAY SCHEDULING DEFENDANTS' (EUGENE V BARGEMAN AND
TECHNOLOGY INSURANCE COMPANY, INC.) MOTION FOR SUMMARY
JUDGMENT FOR HEARING AND/OR REMOVE THE SAID MOTION FROM THE
DOCKET AND/OR TO COMPEL THE DEPOSITION OF DEFENDANT WILLIAM
J. PORTER, II and ORDER ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 10th day of
January 2020.

Issued and delivered January 24, 2020

Kimberly Poullard
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____
20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile

CMS6731179

Filing Date: 01/24/2020 12:00 AM Page Count: 2
Case Number: 2019-000531
Document Name: Civil Rule

in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____ 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Civil Rule



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: WILLIAM J PORTER II
UNITED SPECIALTY INSURANCE
COMPANY AND ROSE LAND
DEVELOPMENT, LLC THROUGH
THEIR ATTORNEY OF RECORD,
JEAN ANN BILLEAUD, ESQ.
LEWIS, BRISBOIS, BISGAARD &
SMITH, LLP
100 E. VERMILION STREET, SUITE
300
LAFAYETTE, LA 70501

Parish of Lafayette, Louisiana, Defendant in said suit:

YOU ARE HEREBY ORDERED TO SHOW CAUSE before this Honorable Court at the Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why: THE COURT SHOULD NOT ORDER THE FOLLOWING:

1. DEFENDANTS WILLIAM J PORTER, II, UNITED SPECIALTY INSURANCE COMPANY AND ROSE LAND DEVELOPMENT, L.L.C. BE ORDERED TO PRODUCE MR. PORTER IN LAKE CHARLES, AT THEIR EXPENSE, TO BE DEPOSED BY PLAINTIFFS;
2. MR. WILLIAM J. PORTER, II BE ORDERED TO APPEAR AT THE OFFICE OF PLAINTIFFS' COUNSEL FOR DEPOSITION AND GIVE HIS DEPOSITION FOR THIS CASE; AND,
3. THE MOTION FOR SUMMARY JUDGMENT OF EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY BE REMOVED FROM THE COURT'S SCHEDULING DOCKET AND NOT BE RESCHEDULED FOR HEARING UNTIL AT LEAST SIXTY DAYS FOLLOWING THE COMPLETION OF THE AFORESAID DEPOSITION OF MR. WILLIAM J. PORTER, II.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF PLAINTIFFS' MOTION TO DELAY SCHEDULING DEFENDANTS' (EUGENE V BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC.) MOTION FOR SUMMARY JUDGMENT FOR HEARING AND/OR REMOVE THE SAID MOTION FROM THE DOCKET AND/OR TO COMPEL THE DEPOSITION OF DEFENDANT WILLIAM J. PORTER, II and ORDER ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 10th day of January 2020.

Issued and delivered January 24, 2020

Kimberly Poullard
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile

CMS6731179

Filing Date: 01/24/2020 12:00 AM Page Count: 2
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RETURNED:

PARISH OF _____ this _____ day of _____ 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Civil Rule



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: WILLIAM J PORTER II
UNITED SPECIALTY INSURANCE
COMPANY AND ROSE LAND
DEVELOPMENT, LLC THROUGH
THEIR ATTORNEY OF RECORD,
JEAN ANN BILLEAUD, ESQ.
LEWIS, BRISBOIS, BISGAARD &
SMITH, LLP
100 E. VERMILION STREET, SUITE
300
LAFAYETTE, LA 70501

Parish of Lafayette, Louisiana, Defendant in said suit:

YOU ARE HEREBY ORDERED TO SHOW CAUSE before this Honorable Court at the Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why: THE COURT SHOULD NOT ORDER THE FOLLOWING:

1. DEFENDANTS WILLIAM J PORTER, II, UNITED SPECIALTY INSURANCE COMPANY AND ROSE LAND DEVELOPMENT, L.L.C. BE ORDERED TO PRODUCE MR. PORTER IN LAKE CHARLES, AT THEIR EXPENSE, TO BE DEPOSED BY PLAINTIFFS;
2. MR. WILLIAM J. PORTER, II BE ORDERED TO APPEAR AT THE OFFICE OF PLAINTIFFS' COUNSEL FOR DEPOSITION AND GIVE HIS DEPOSITION FOR THIS CASE; AND,
3. THE MOTION FOR SUMMARY JUDGMENT OF EUGENE V. BARGEMAN AND TECHNOLOGY INSURANCE COMPANY BE REMOVED FROM THE COURT'S SCHEDULING DOCKET AND NOT BE RESCHEDULED FOR HEARING UNTIL AT LEAST SIXTY DAYS FOLLOWING THE COMPLETION OF THE AFORESAID DEPOSITION OF MR. WILLIAM J. PORTER, II.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF PLAINTIFFS' MOTION TO DELAY SCHEDULING DEFENDANTS' (EUGENE V BARGEMAN AND TECHNOLOGY INSURANCE COMPANY, INC.) MOTION FOR SUMMARY JUDGMENT FOR HEARING AND/OR REMOVE THE SAID MOTION FROM THE DOCKET AND/OR TO COMPEL THE DEPOSITION OF DEFENDANT WILLIAM J. PORTER, II and ORDER ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 10th day of January 2020.

Issued and delivered January 24, 2020

Kimberly Poullard
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____ 20____, and on the _____ day of _____ 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile

CMS6731179

Filing Date: 01/24/2020 12:00 AM Page Count: 2
Case Number: 2019-000531
Document Name: Civil Rule

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RETURNED:

PARISH OF _____ this _____ day of _____ 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Civil Rule



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: EUGENE V BARGEMAN
and TECHNOLOGY INSURANCE
COMPANY, INC., THROUGH THEIR
ATTORNEY OF RECORD, LOTTIE
L. BASH, ESQ OR MADALINE KING,
ESQ
FAIRCLOTH, MELTON, SOBEL &
BASH, LLC |
105 YORKTOWN DR.
ALEXANDRIA, LA 71303

Parish of Rapides, Louisiana, Defendant in said suit:

YOU ARE HEREBY ORDERED TO SHOW CAUSE before this Honorable Court at the
Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why:
THE COURT SHOULD NOT ORDER THE FOLLOWING:

1. DEFENDANTS WILLIAM J PORTER, II, UNITED SPECIALTY INSURANCE
COMPANY AND ROSE LAND DEVELOPMENT, L.L.C. BE ORDERED TO
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DEPOSED BY PLAINTIFFS;
2. MR. WILLIAM J. PORTER, II BE ORDERED TO APPEAR AT THE OFFICE OF
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THIS CASE; AND,
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COURT'S SCHEDULING DOCKET AND NOT BE RESCHEDULED FOR
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ALL IN ACCORDANCE WITH CERTIFIED COPY OF PLAINTIFFS' MOTION TO
DELAY SCHEDULING DEFENDANTS' (EUGENE V BARGEMAN AND
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JUDGMENT FOR HEARING AND/OR REMOVE THE SAID MOTION FROM THE
DOCKET AND/OR TO COMPEL THE DEPOSITION OF DEFENDANT WILLIAM
J. PORTER, II and ORDER ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 10th day of
January 2020.

Issued and delivered January 24, 2020

Kimberly Poullard
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____
20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile

CMS6731135

Filing Date: 01/24/2020 12:00 AM Page Count: 2
Case Number: 2019-000531
Document Name: Civil Rule

in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____ 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Civil Rule



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: EUGENE V BARGEMAN
and TECHNOLOGY INSURANCE
COMPANY, INC., THROUGH THEIR
ATTORNEY OF RECORD, LOTTIE
L. BASH, ESQ OR MADALINE KING,
ESQ
FAIRCLOTH, MELTON, SOBEL &
BASH, LLC |
105 YORKTOWN DR.
ALEXANDRIA, LA 71303

Parish of Rapides, Louisiana, Defendant in said suit:

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Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why:
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1. DEFENDANTS WILLIAM J PORTER, II, UNITED SPECIALTY INSURANCE
COMPANY AND ROSE LAND DEVELOPMENT, L.L.C. BE ORDERED TO
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DEPOSED BY PLAINTIFFS;
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PLAINTIFFS' COUNSEL FOR DEPOSITION AND GIVE HIS DEPOSITION FOR
THIS CASE; AND,
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COURT'S SCHEDULING DOCKET AND NOT BE RESCHEDULED FOR
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ALL IN ACCORDANCE WITH CERTIFIED COPY OF PLAINTIFFS' MOTION TO
DELAY SCHEDULING DEFENDANTS' (EUGENE V BARGEMAN AND
TECHNOLOGY INSURANCE COMPANY, INC.) MOTION FOR SUMMARY
JUDGMENT FOR HEARING AND/OR REMOVE THE SAID MOTION FROM THE
DOCKET AND/OR TO COMPEL THE DEPOSITION OF DEFENDANT WILLIAM
J. PORTER, II and ORDER ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 10th day of
January 2020.

Issued and delivered January 24, 2020

Kimberly Poullard
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____
20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile

CMS6731135

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in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____ 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001

ROSALINA AYUYU DALAL
VS. 2019-000531
UNITED SPECIALTY INSURANCE
COMPANY

Civil Rule



14th Judicial District Court
State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: EUGENE V BARGEMAN
and TECHNOLOGY INSURANCE
COMPANY, INC., THROUGH THEIR
ATTORNEY OF RECORD, LOTTIE
L. BASH, ESQ OR MADALINE KING,
ESQ
FAIRCLOTH, MELTON, SOBEL &
BASH, LLC
105 YORKTOWN DR.
ALEXANDRIA, LA 71303

Parish of Rapides, Louisiana, Defendant in said suit:

YOU ARE HEREBY ORDERED TO SHOW CAUSE before this Honorable Court at the
Courthouse in Lake Charles, Louisiana, at 9:00 A.M. on the 26th day of February 2020, why:
THE COURT SHOULD NOT ORDER THE FOLLOWING:

1. DEFENDANTS WILLIAM J PORTER, II, UNITED SPECIALTY INSURANCE
COMPANY AND ROSE LAND DEVELOPMENT, L.L.C. BE ORDERED TO
PRODUCE MR. PORTER IN LAKE CHARLES, AT THEIR EXPENSE, TO BE
DEPOSED BY PLAINTIFFS;
2. MR. WILLIAM J. PORTER, II BE ORDERED TO APPEAR AT THE OFFICE OF
PLAINTIFFS' COUNSEL FOR DEPOSITION AND GIVE HIS DEPOSITION FOR
THIS CASE; AND,
3. THE MOTION FOR SUMMARY JUDGMENT OF EUGENE V. BARGEMAN
AND TECHNOLOGY INSURANCE COMPANY BE REMOVED FROM THE
COURT'S SCHEDULING DOCKET AND NOT BE RESCHEDULED FOR
HEARING UNTIL AT LEAST SIXTY DAYS FOLLOWING THE COMPLETION OF
THE AFORESAID DEPOSITION OF MR. WILLIAM J. PORTER, II.

ALL IN ACCORDANCE WITH CERTIFIED COPY OF PLAINTIFFS' MOTION TO
DELAY SCHEDULING DEFENDANTS' (EUGENE V BARGEMAN AND
TECHNOLOGY INSURANCE COMPANY, INC.) MOTION FOR SUMMARY
JUDGMENT FOR HEARING AND/OR REMOVE THE SAID MOTION FROM THE
DOCKET AND/OR TO COMPEL THE DEPOSITION OF DEFENDANT WILLIAM
J. PORTER, II and ORDER ATTACHED HERETO AND MADE A PART HEREOF.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 10th day of
January 2020.

Issued and delivered January 24, 2020

Kimberly Poullard
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____
20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile

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in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____ 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001